

HISTORICAL MANUSCRIPTS COMMISSION.

TENTH REPORT, APPENDIX, PART V.

THE

MANUSCRIPTS

OF

THE MARQUIS OF ORMONDE, THE EARL OF FINGALL, THE
CORPORATIONS OF WATERFORD, GALWAY, &c.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

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HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

1885.

[C.—4576.—I.] Price 2s. 10d.

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CONTENTS.

	PAGE
MANUSCRIPTS OF THE MARQUIS OF ORMONDE, KILKENNY CASTLE. BY JOHN T. GILBERT - - - -	1
MANUSCRIPTS OF THE EARL OF FINGALL, KILLEEN CASTLE. BY JOHN T. GILBERT - - - -	107
ARCHIVES OF THE SEE OF DUBLIN. BY JOHN T. GILBERT -	204
ARCHIVES OF THE SEE OF OSSORY. BY JOHN T. GILBERT -	219
ARCHIVES OF THE MUNICIPAL CORPORATION OF WATERFORD. BY JOHN T. GILBERT - - - -	265
ARCHIVES OF THE JESUITS IN IRELAND. BY JOHN T. GILBERT - - - -	353
ARCHIVES OF THE TOWN OF GALWAY. BY JOHN T. GILBERT	380



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THE MANUSCRIPTS OF THE MOST HONOURABLE THE
MARQUIS OF ORMONDE, KILKENNY CASTLE.—BY
JOHN T. GILBERT.

The contents of the concluding portion of the Register of Petitions are embraced in the following Calendar,¹ which is in sequence to that published in the Appendix to the Ninth Report of this Commission.

MSS. OF
MARQUIS
OF ORMONDE.

CALENDAR OF PETITIONS, A.D. 1666–1669, addressed to James, Duke of Ormonde, Lord Lieutenant of Ireland, and to his Deputy, Thomas, Earl of Ossory.

Lord Athenry.²—Custodiam of lands within the liberties of Galway and Athenry.—23 May 1666.

Robert Sandford, ironmonger, Dublin.—Recovery of money due by Roger Chamberlain, of the Life-Guards.—23 May 1666.

William Taylor, brewer, Dublin.—Recovery of money due by soldiers.—23 May 1666.

William Spike, soldier under the command of Lord Berkeley.—Praying that Edward Dent may be prevented from summoning or attaching petitioner.—9 June 1666.

Jo. Paine, “Surveyor of his Majestie’s Works.”—“That your petitioner being employed in and about building and repairing his Majestie’s Castle of Dublin, and the outbuildings thereunto belonging, and severall other buildings belonging to his Majestie: Now see it is, may it please your Grace, that your petitioner having received severall summes of money out of the receipt of his Majestie’s Exchequer, towards the doeing thereof, for which he hath not yet accompted; and your petitioner having delivered the accompt and vouchers unto the Auditor of his Majestie’s Imprest Receipt for the examination thereof, which sayd accompts and vouchers he hath already examined and cast up, your petitioner therefore most humbly prayes your Grace to give order to the Commissioners of Accompts for the takeing and passing the aforesaid accompt, whereby your petitioner may have his discharge for the same. And he as in duty bound shall pray, etc.

“Dublin Castle, the 11th of June, 1666.—We pray and require our very good Lord, the Lord Chancellor, to cause a commission to issue under the great seale, to be directed unto the Lord Chief Baron of his Majestie’s Courte of Exchequer; Sir James Ware, Knight, his Majestie’s Auditor-Generall; and to his Majestie’s Auditor for Imprests, to take the petitioner’s accompts for the moneys above mentioned, received and disbursed by him, with power to those Commissioners to administer oaths for the cleering of any doubt or question that may arise therein; and to certify under their hands and seales the state of the said accompts, as in like cases hath been usuall.—ORMONDE.”

¹ For observations on the contents of the present calendar, see Tenth Report of this Commission, page 42.

² Francis Bermingham, Baron of Athenry. See p. 22.

MSS. OF
MARQUIS
OF ORMONDE.

John Kelly.—“That your petitioner being lately tryed in his Majestie’s Court of Chiefe Place for the killing of one Richard Roe, not out of any malice but by sudden provocation, the petitioner was found guilty of manslaughter, and haveing the benefit of his clergy was to be burned in the hand, for which your Grace hath been pleased to grant him his Majestie’s pardon, upon the report of the Right Honorable the Lord Santry,¹ and an ample certificate of the Lord Mayor² of the cittie of Dublin; Sir Theophilus Jones, Sir Thomas Worship, and many Aldermen and other persons of good credit, of your petitioner’s civill demeanour in the said city. But soe it is, may it please your Grace, that the order given by your Grace for pardoning the burning in the hand does not carry words in it for restoring the petitioner’s goods and chattels, the forfeiture whereof being an effect of the said fact, the punishment of which your Grace hath been pleased to pardon. The petitioner therefore most humbly prayeth that your Grace’s said order may be enlarged, soe as the same may extend to the restitution of his said goods and chattels. And he shall pray, etc.

“Dublin Castle, the 31 January 1665[–6].—We pray our very good Lord, the Lord Baron of Santry, Lord Chiefe Justice of his Majestie’s Court of Chiefe Place, to consider of this petition, and to certify us his opinion of the petitioner’s request thereby made unto us.—ORMONDE.

“February 3, 1665[–6].—May it please your Grace: I conceive that your Grace may grant the goods and chattells desired to the petitioner, by issuing your warrant for letters patents to be passed unto him of grant and restitution thereof; which is humbly submitted to your Grace’s consideration.—SANTRY.

“Dublin Castle, 14 June 1666.—Upon consideration of the foregoeing certificate of our very good Lord, the Lord Baron of Santry, Lord Chiefe Justice of his Majestie’s Court of Chiefe Place, made in pursuance of our order of reference given on the within petition of John Kelly, the 31 day of January last, wee are pleased and doe hereby order that his Majestie’s Attorney and Solicitor Generall, or either of them, shall draw up a fiant in due forme of law, containing his Majestie’s grant and restitution unto the petitioner of his goods and chattells, forfeited by the fact in his petition mentioned, inserting therein all such clauses as in grants of like nature are usuall, and the same, fairly ingrossed in parchment under their or one of their hands, send unto us to be further passed as appertaineth. And for soe doing this shall be a sufficient warrant.—ORMONDE.”

Esther Cook, widow.—Certificate and order on petition for arrears due to her late husband, Clement Cook, of Captain Brabazon’s company.—14 June 1666.

Sir Thomas Longueville.—Permission to proceed against Major Edward Evett, of Colonel Howard’s troop, and others, for slander.—13 July 1666.

Farmers of Excise, Ireland.—Leave to proceed against soldiers for retailing beer and ale without license.—11 June 1666.

Colonel John Jephson and Captain Edward Brabazon.—Payment of balance due on foot of bills of exchange passed to them for payment of their men by Commissioners of Customs.—16 June 1666.

¹ Sir James Barry, Lord Santry, Chief Justice, King’s Bench, Ireland, 1660–73.

² Sir Daniel Bellingham, Knight and Baronet, Deputy Vice-Treasurer and Receiver-General, Ireland, Lord Mayor of Dublin, 1665–66.

William Eaton, master and owner of the "May Flower," of Chester.—Praying that ammunition and guns (to be mounted at his own expense) may be supplied to him, for his Majesty's service, from the stores at Dublin.—21 June 1666.

MSS. OF
MARQUIS
OF ORMONDE.

Sir Nicholas Plunkett, Sir Robert Talbot, Colonel Garret Moore, Colonel Milo Power, and others.—"That in and by a clause in the late Explanatory Act,¹ page 114, it is enacted that the Lord Lieutenant, or other Chief Governor or Governors of this kingdome for the time being, shall and may asseesse any summe not exceeding three pence per acre in and out of every acre of profitable land of plantation measure which is by the late Court of Claimes, or shall be, pursuant to this or the former Act, decreed or confirmed or sett out or delivered unto any person or persons of the Popish religion in this kingdome, and the same be caused to be levied by distresse or otherwise, and to be payd to the Receiver hereafter mentioned, to the intent that 5,000*l.* be payd to Milo Power, Esquire, his executors, administrators, and assignes, and that the residue may afterwards be issued out unto such of the Roman Catholiques of this kingdome who, as agents or otherwise, since his Majestie's most happy Restitution, shall by the Lord Lieutenant or other Chief Governor or Governors be judged meriting the same, and that in such proportion as the Lord Lieutenant or other Chiefe Governor or Governors shall thinke fitt and direct, pursuant thereunto. The petitioners most humbly beseech your Grace to give order for assessing and leavying such summe as to your Grace shall seeme meet for performance of the ends and intents of the said enacting clause, whereby the petitioner, Milo Power, may receive the 5,000*l.* enacted for him, and that the other petitioners may be satisfied in such proportion as your Grace shall thinke fitt. And the petitioner will ever pray.

"Dublin Castle, 19 June 1666.—The Sub-Commissioners appointed by the Commissioners for the execution of the Act of Settlement and the Explanatory Act are to make certificate what number of acres of land of plantation measure have been decreed, confirmed, sett out, or delivered to any person or persons of the Popish religion in this kingdom, and in what counties, baronies, parishes, and townes particularly such lands do lye, with the names of the person to whome the same were decreed, confirmed, sett out, or delivered respectively; and such certificate to send unto us under their hands with all convenient speed, and thereupon wee shall give such further order as shall appeare fitt.—ORMONDE."

Walter Pitt, of the Life-Guard.—Petition, and answer to petition of James Hopton on recovery of debt.—22 June 1666.

Samuel Thompson, of London, stationer.—"That whereas William Clark, Chirurgion-Generall to the Royall regiment in Ireland, entred into a certaine obligation, bearing date the eighth day of July 1656, for eighty pounds conditioned for the payment of forty-one pounds ten shillings unto Elizabeth Clark, alias Thompson, of London, spinster, sister to him, the said William Clark, and now or late married wife unto your petitioner: Now forasmuch as the said William Clark denied, and doth still obstinately denie, the payment of the said summ of forty-one pounds ten shillings unto your petitioner, though often demanded by your said petitioner, may it therefore please your Grace to order that all due course of law and equity may be taken against the said William Clarke for recovery of the said summ, either by your

¹ Act for Explanation of doubts arising on Act for Settlement of Ireland

MSS. OF
MARQUIS
OF ORMONDE.

petitioner, his assigns or attorney lawfully constituted. And your petitioner shall always pray, etc.

"Dublin Castle, the 22 June 1666.—Sir William Flower, Knight, Lieutenant-Collonel of his Majestie's regiment of Guards, is to examine the matter within mentioned and to compose the difference by consent of both parties (if they can), or else to certify us the true state thereof; and thereupon we shall give such further order as shall appeare to be fitt.—ORMONDE."

John Goodwyn.—Recovery of debt from Patrick Little, of Colonel Francis Willoughby's company.—15 June 1666.

Thomas Flint, plaintiff; Thomas Hill, defendant.—Affidavit of service of order.—21 June 1666.

Richard Roper.—Recovery of amount due by John Booth, of the Life-Guards.—27 June 1666.

Henry Gamble.—"May it please your Lordship: According to your Lordship's order¹ of the 10th of June 1665, wee have veived and measured soe much of the work in the certificate hereunto annexed² as hath been performed by Henry Gamble, mason, in the said certificate also named, according to certaine articles of agreement made between William Dodson, Esquire, on behalfe of his Majestie and the said Henry Gamble, and wee find that soe much of his Majestie's park wall in the said certificate also mentioned as hath been erected by the said Henry Gamble, pursuant to the said articles, extendeth itself from the river Liffie, beneath Bowbridge, by the old wall of St. John's Chapple neere Killmainham, to the new bridge of Chapple-Izod, and contayneth in length by measure 320 perches, at the least, besides 43 perches more, at present in dispute between the said parties, the said Henry Gamble affirming and producing witnesses to prove the same to have bine done and performed by him, and the said Mr. Dodson utterly denyng the same; and wee likewise finde, upon serious view and consideration of the whole matter to us referred, that that part of the said wall which is now defective was not occasioned through any neglect of the surveyor, or the said Henry Gamble, or any others under them or either of them employed in the said work, which was well and in workmanlike manner performed by the said Henry Gamble as a dry wall, but meerly occasioned by reason the stones were not laid in mortar, they being of a soft and mouldring condition and not able to endure the sunn and weather without it. And wee further find that that part of the wall which hath been since done and performed by the said Henry Gamble conteyneth throughout five foot from the ground upwards, and is of more thickness and substance than that upper part of the said wall which hath bine since made and coped by other men at day-work, which the said Henry Gamble ought likewise to have performed; and therefore wee think it just and meet to allow unto the said Henry Gamble one perch in five in regard thereof throughout the said work, which cometh to 64 perches more, which makes the whole work performed by the said Henry Gamble besides the 43 perches in dispute to amount to 384 perches, accounting the same at 22s. 6d. each perch grosse, which cometh in the whole to 432 pounds sterling, besides the said 43 perches in difference, whereof wee find the said Henry Gamble hath received of the said Mr. Dodson the summ of 380*l.* sterling and noe more; soe that there remaineth due to the said Henry Gamble from the said Mr. Dodson,

¹ See Ninth Report of this Commission, 1884, Part 2. p. 161.

² Not in the MS.

upon the whole accompt, besides the said 43 perches in dispute, the summe of 52 pounds sterling. All which wee humbly submitt to your Lordship's consideration. Dated 28 August 1665.—THOMAS BROWNE.—JAMES BROWNE.—WILLIAM ROBINSON.

MSS. OF
MARQUIS
OF ORMOND.

“Dublin Castle, the 14 June 1666.—Upon consideration of the annexed petition of Henry Gamble, the answer of William Dodson, Esquire, to the said petition, the replication of the said Gamble to the said answer, the certificate of the Lord Dungannon,¹ Sir Paul Davys, and Sir James Ware, Knights, the certificate of James Browne [and] Thomas Browne, bricklayers, and William Robinson, plaisterer, persons agreed upon by the consent of the said Henry Gamble and the said Mr. Dodson to view the work in question, and by the annexed order² of the Earle of Ossory, late Lord Deputy, dated 10th June 1665, directed to view the same accordingly and to doe further as by the said order appeareth; which said James Browne, Thomas Browne, and William Robinson, by their said certificate, dated the 28 August 1665, doe certify that there remains due to the petitioner, Henry Gamble, from the said Mr. Dodson fifty-two pounds sterling, as by the said certificate appeareth; wee thinke fitt, and accordingly doe order, that his Majestie's Vice-Treasurer, out of any monys which is or shall be by him payable out of the Treasury to the said Mr. Dodson, shall see the said fifty-two pounds paid to the said Henry Gamble before the said Mr. Dodson receive any further monys from the said Vice-Treasurer. And for see doing this shalbe a sufficient warrant.—ORMONDE.”

Lawrence Barret, “and the rest of the inhabitants and farmers of Clonturke.”—“That your petitioners being inhabitants in the towne of Clonturk, in the county of Dublin aforesaid, duely paying all manner of taxes imposed upon them, yet the souldiers under the command of the Right Honorable the Lord Brabazon, takeing the lands of Drumconragh for grazeing their horses for the whole troope all summer in the yeare 1664, which troopers never kept any to watch their horses trespassing upon your petitioners' corne and grass adjoyning to the said lands of Drumconragh, neither would suffer your petitioners to watch, insoemuch that their said horses have broken into your petitioners' corne and spoyled above twenty acres thereof, besides six or seven acres of meadow, which they have cut and carryed away at their wills and pleasures; that your petitioners have severall times intreated the said souldiers to watch their said horses, who have refused, and drawne their swords upon them and cut them and refuse to render any satisfaction for the same; that your petitioners preferred their petition,³ setting forth their grievances, to the Right Honorable the late Lord Deputy of this kingdom, who referred the examination of the same to the Right Honorable the Lord Viscount Dungannon, Sir Henry Tichborne, Sir John Stephens, and Sir William Flower, Knights, or any three of them, which reference, by reason of his Lordship's goeing for England, hath never been examined: Your petitioners therefore most humbly pray your Grace would be pleased to renew their said order, and they shall pray, etc.—Lawrence Barret.—Pat[rick] Rooney.—Donnagh McDoyle.—Turlagh Quine.”

“Dublin Castle, 23 June 1666.—We are pleased hereby to renew the former order within mentioned given by the late Lord Deputy, the second day of August 1664, concerning this matter, and to pray and

¹ Marcus Trevor, created Viscount Dungannon in 1662.

² Not in the MS.

³ See Ninth Report of this Commission, 1884, Part i. p. 145.

MSS. OF
MARQUIS
OF ORMONDE.

require our very good Lord, the Lord Viscount Dungannon, Sir Henry Tichborne, Knight, Field Marshall Generall, Sir John Stephens, and Sir William Flower, Knights, or any three of them, to examine the matter aforesaid and to compose the difference by consent of the parties whom it concernes (if any they can), or else to certify us what shall appeare unto them and their opinion what they shall conceive fitt to be done therein.—ORMONDE.”

John Potter:—Praying that the report on petitioner's claim for expenses incurred in the Duke of Ormonde's service, etc., made by Richard Delves, one of the referees named, may be received, the other referee having refused to act.—23 June 1666.

James Tanner.—Recovery of amount due for beer by William Castle, of the Life-Guard.—3 July 1666.

Sarah Wells,¹ under sentence of death.—Reprieve.—7 July 1666.

William, Earl of Desmond.²—“That his Majestie, in his patent of honour granted unto your petitioner's father, George, Earle of Desmond, lately deceased, and the heires males of his body, was graciously pleased to allowe him the annuall allowance of fifteene pounds sterling, creation-mony, as by the said letters patents, bearing date the 7th of November, in the 20th yeare of the raigne of King James remaineing of record with his Majestie's Auditor-Generall, more at large may appeare. That, before the death of your petitioner's said father, there were severall yeares creation-mony due unto him, which is yet unpaid by reason that his Majestie's said Auditor-Generall will not issue forth debentures for the same, in regard your petitioner's said father was not inserted in the Establishment made upon the King's happy Restauracion, but is now put upon the Establishment to bee made (as your petitioner is informed). In tender consideration whereof, and for that his Majestie's Auditor-Generall thinks it fitting and necessary to have your Grace's warrant before he gives debentures unto your petitioner for what creation-mony fell due unto your petitioner's said father, and for the future shall fall due unto your petitioner as the heire male of his said father. And your petitioner shall pray, etc.

“Dublin Castle, the 6 of July, 1666.—Upon consideration of this petition, we are pleased, and doe hereby order, that his Majestie's Auditor-Generall shall make forth debentures for what is due to the petitioner for creation-mony from the time that the same was put upon the Establishment, and soe from time to time, as for others in like cases.—ORMONDE.”

William Doyle, of Carlow.—Pardon, in forma pauperis, for horse-stealing.—9 July 1666.

Christopher Dobson and Eusebius Cotton.—“That your petitioners, being farmers of the Inland Excise and licences of the County Palatine of Tipperary, for one yeare and one quarter ending the 25th of March last, dureing which time the severall persons in the schedule annexed (souldiers in Clonmell, under the command of Sir Francis Foulk, Knight), were in arreare and indebted to your petitioners, for Excise and licences, the severall summs to their names annexed amounting to the summe of £35 7s. 4d., which said Sir Francis hath an assignment on your petitioners for £225, which your petitioners owe and are

¹ See p. 17.

² William Fielding, Earl of Denbigh and Desmond, succeeded his father, George, on the death of the latter in 1665.

indebted to his Majestie, besides other great summes yet in arreare for other countyes they then farmed, and now likewise assigned to the souldiery; and whereas your petitioners have severall other debts standing out and in arreare in the said county of Tipperary by bondes and otherwaies, amounting to neere £500 pounds, and sufficient to satisfy what is due from your petitioners to his Majesty, and cannot have that speedy course afforded them for the getting in the arreares of Excise due in the said county of Tipperary, as the Right Honourable the Lord President of Munster affordes your petitioners and others in Munster in the like causes, being a branch of his Majestie's revenue, to wit, by granting us a warrant of execution against the persons soe in arreare for Excise and licenses immediately upon due proove made before him of such debt or debts in arreare which cannot be obtained in your Grace's Court Palatine of Tipperary without your Grace's particular order for that purpose by meanes of the strict rules of law in that Honorable Court followed; by meanes of all which your petitioners are altogether unable to satisfie the severall great summs assigned on them as aforesaid, but must with their security be utterly ruined unless releived by your Grace. May it therefore please your Grace, the premisses tenderly considered, to grant your order to the said Sir Francis Foulke to default and deduct forth of the said £225 the said summe of £35 7s. 4d. due from his souldiers as aforesaid, or as much thereof as shall appeare upon oath before him to be due both for Excise and licences, and that your petitioners may be allowed soe much forth of their rent due for Excise and licence, or otherwise releived therein as to your Grace's wisdom shall seem most meete; and likewise to afford your petitioner your Grace's order to your Seneschall of your said County Palatine of Tipperary, upon every proove thereof made before him, or some such other order as may be for the present releife of your poore petitioners and supply of the present necessity of the souldiery on whom it is assigned as shalbe by your Grace thought most meete, otherwise your poore petitioners must perish in gaole and their familys ruined. In granting of all which, or otherwaies releiving your petitioners, they will alwayes pray as in duty bound for your Grace's prosperity.

“Dublin Castle, 9 July 1666.—As to that part of the matter mentioned in this petition which doth concerne the souldiers under the command of Sir Francis Foulke, he is to examine the same, and what he shall find to be due by every of the said souldiers respectively to the petitioners for the Excise or lycences within mentioned, he is to stopp out of their entertainment, and pay unto the petitioners as their said entertainments shall become payable; and for such monys as are due to the petitioners by any other persons than souldiers within the Regalities and liberties of Tipperary upon the account aforesaid, we recommend the petitioners to the Seneschall and Chancellor of the said Regalities and Libertyes for such speedy releife to be given them as shall appeare to be just and warrantable.—ORMONDE.”

James Tanner against William Castle.—Certificate and order as to recovery of debt.—13 July 1666.

John Tuthill and others.—“That your petitioners, being all tenants to your Grace, and liveing in the towne of Chapple-Izod, were employed by William Dodson, Esquire, with their horses and carrs to carry stones towards the building of the [Phœnix] Park wall adjoyneing to your petitioners, with promise of true payment for their paines and labour therein according as they respectively followed their work; whereupon your petitioners used their industry therein, expecting to have due

MSS. OF
MARQUIS
OF ORMONDE.

satisfaction for the same according to the generall rate, by which there accrewed due to your petitioners the summe of twenty pounds nine and fourpence, as by the certificates hereunto annexed may [appeare]. But now so it is, may it please your Grace, that the said William Dodson hath hitherto failed to pay your petitioners the said summe due unto them as aforesaid, whereby your petitioners are very much damnified, the same being due at least a yeare and a halfe. Your petitioners therefore humbly pray they may be speedily satisfied the said summe in such manner as your Grace shall thinke meete. And your petitioners shall pray, etc.

“Dublin Castle, 11 July 1666.—Mr. William Dodson within named is forthwith to shew us cause in writing why the money demanded by the petitioners is not payed unto them.—ORMONDE.”

James Coleman.—“That he was assigned, as Deputy to Gamaliell Warter, Esquire, Collector of the Quit-Rents in the barony of Lower Ormond, to pay the Lord Brabazon's troope, £38. That, upon producing the assignement, he gave them what money he had and tendred them a distress of oxen, cowes, horses, etc. for the remainder, as they had been or should be appraised at, which was £38. That Edward Butler, the clerke of the said troope, Thomas Lane, John Nurse, David Cockane, and William Warwick, troopers of the said troop, not contented therewith, did not onely drive the said cattle to the pound, but also drive 160 cattle more (off your Grace's lands) of your petitioner, and made your petitioner compound for £40 for the releasement of his cattle. That the said Butler did drive away the cattle, without appraisement, to Roscrea, and there forced some to appraise them at under rates, with which being not satisfied [he] sent back to the petitioner's farme for the pretended remainder, and three pounds for keeping and grazing the said cattle. That they refused to accept of a redemption of the cattle [taken] from the petitioner, who had procured the money and tendred it. That, being still ready to pay the monys the cattle were appraised at, and to prove his allegations, he therefore humbly prayes your Grace's order for restitution of his cattle, satisfaction for his said forced composition, and the monys exacted from him, and for his damage. And he shall ever pray, etc.”

“Dublin Castle, 18 July 1666.—Symon Finch and John Harrison, Esquires, calling before them all parties whom this matter doth concerne, are to examine the same and heare what shall be offered on all sides, and to certify us particularly what shall appear to be fitt.—ORMONDE.”

Captain John Bartlett.—“That the Ormonde friggatt being fraited for Chester, and being in want of 40 three-pounders for 4 small guns aboard her, and he formerly returneing into his Majestie's store 40 saker shott, being six poundes weight, he having spared about 20 three-pounders of his own, by the command of Sir John Stephens, for his Majestie's service; he therefore most humbly prayes your Grace wilbe pleased to give order to the Clerk of the Store forthwith to deliver 40 three-pounders to your petitioner, to be returned if they be not spent against the enemy. And he shall ever pray, etc.”

“Dublin Castle, 19 July 1666.—The Clerk of the Store is to deliver to the petitioner the shott above desired, he giving his engagement in writing under his hand to returne the said shott into the stoare when he shall be thereunto required, if the same shall not be spent in his Majestie's service against some of his Majestie's enemies.—ORMONDE.”

William Vigers, servant to Roger Chamberlaine, "his Grace's saddler."
—Recovery of Wages.—14 July 1666.

Dorothea Kingsmill, widow.—Tenancy of lands in county of Tipperary,
and order granting same, free of rent.—23 July 1666.

Nicholas Lock, gardener.—Discharge from custody.—25 July 1666.

Richard Roberts.—Restoration of a horse sold to the late Lieutenant-
Colonel Moses Hill.—3 August 1666.

Committee of "Adventurers" sitting at Grocers' Hall, London.—
Respecting clause in Explanatory Act relating to lands claimed for sea-
service; and confirmation of petitioners' interest in several lands in
Ireland, on foot of monies advanced for the public service.—11 August
1666.

John Tuthill.—Report on claim in connexion with Phoenix Park,
Dublin.—8 August 1666.

Lawrence Daly, John Daly, Hugh Rely, and Connor Coony.—Par-
dons, already granted, to be passed in forma pauperis.—14 August
1666.

William Gernon.—"That your petitioner is appointed by an order
from Sir Thomas Harman, Captaine of your Grace's Life-Guard of
Horse, to view and take notice of all the armes and armourers thereunto
belonging, and to call in the armes of all persons that leave the troope
by furloe, passe, or otherwise, and dispose of them to the persons which
come in their roomes. Now so it is, may it please your Grace, that Mr.
Savinion came in the roome of Mr. John Morris, who delivered his
armes to him, but not his buffe coate, by meanes whereof he is not
accountred as becomes one of your Grace's Guards. May it therefore
please your Grace to order Mr. Morris to deliver the coate, that it may
not be a president to others to do the like, and so leave the troope desti-
tute. And your petitioner will pray."

"Dublin Castle, 13 August 1666.—Peter Savinion being admitted
into our Life Guard of Horse in the roome of John Morris, the said
John Morris is hereby required forthwith to deliver unto the said
Savinion the buffe coate within mentioned.—ORMONDE."

Richard Nicholas and Richard Cox, "trumpeters to the commanded
party waiting for orders."—"That by your Grace's order Captain
Brennon, the first of January last, entertained your petitioners, prom-
ising them such pay as the army trumpeters should have. That your
petitioners have very carefully attended their duty, as appears by the
annexed certificate, yet hitherto have received noe pay. That when
the rest of the party were paid, your petitioners applyed themselves to
the clerk, expecting their pay who told them that he had none for them,
nor could they have any without your Grace's speciall order to that
end. Now, forasmuch as your petitioners have waited and done duty
ever since May 1665, although they were not entertained by your
Grace's order till the said 1st of January last, and have been at great
charges buying horses, trumpets, and other materialls, and in maintain-
ing themselves and horses here, whereby they are disabled to march out
of towne with the party, without some provision be made to enable
them, all which theirsaid Captain can certifie; your petitioners therefore
most humbly pray your Grace to grant order whereby your petitioners'
pay already due, and which shall in the future grow due, may be issued
either by concordatum or otherwise as your Grace shall think fit. And
your petitioner as in, etc.

¹ Not in the MS.

MSS. OF
MARQUIS
OF ORMONDE.

"Dublin Castle, 9th August 1666.—The Muster-Master Generall is to state the pay due to petitioners, from the time when Sir Thomas Harman and Captain Brennon by their annexed certificate doe certify they were entertained in the service above mentioned untill this day, after the rate allowed to the trumpetts of the troopes of the army, and to certify us thereof, and thereupon we shall give our further order.—ORMONDE.

William Rosse, Captain.—Payment of arrears.—15 August 1666.

Thomas Taylor.—"That your petitioner faithfully served his Royall Majesty and his late father, of blessed memory, untill his Majestie's armie was declined, first under the command of Collonel Hill, after of the Lord Dungannon, and by him under your Grace untill commanded towards the North, and after noe appearance of his Majestie's army in this kingdom, your petitioner retired and lived privately, untill of late he hath been visited with sickness, which hath reduced him to some indigencie, having a family to maintaine. However, your petitioner is able and willing to furnish himselfe and servant with horses and armes to serve his Majestie. He therefore humbly prays your Grace to grant an order for him and his servant to be mustered in the Lord Charlemont's troope, or at least for himselfe, and forthwith to enter into pay. And your petitioner, &c.

"Dublin Castle, 15 August 1666.—At the next muster, after any vacancy shall be in the troope under the command of our very good Lord, the Lord Viscount Charlemont,¹ the petitioner is to be admitted into that troope, he appearing sufficiently mounted and armed; whereof the Muster-Master and the officers of the said troope are to take notice.—ORMONDE."

Colonel Randal Clayton.—"That your petitioner, having received severall summes of money for the use of the Trustees appointed by your Grace and the Duke of Albemarle for managinge the security of the [16]49 Officers, amounting in the whole to £19,930, hath rendered a just and punctuall accompt thereof to the said Trustees. And having a greater regard to the benefit and advantage of the said security than any private interest of his owne; did from time to time supply and answer the severall occasions that the said Trustees had, whereby they are become indebted unto him in the summ of £1212 . 4 . 4½, over and above his receipts, and your petitioner being very sensible that if the security designed to be distributed among the [16]49 Officers were actually given out before any provision be made for your petitioner's satisfaccion, he should be left wholly without remedy. He therefore humbly prays that your Grace will be pleased to recommend his condition unto the Honourable his Majestie's Commissioners for executing the Acts of Settlement and Explanation of the same, that, they finding your petitioner's allegation to be true, there may be such provision made [for] your petitioner's satisfaction as may prevent his utter ruine. And he shall pray, etc.²

James Leslie, "Gunner of his Majestie's vessell the Mary yaucht.—That his wife is dead at Limehouse, his doores are lockt up, and his goods like to be spoyled or lost, without his speedy repaire thither. Prayes licence for six weekes' time to repaire to his concerns. Captain Sharland, commander of the vessell, certifies the petition to be true,

¹ William Coulfeild, Viscount Charlemount.

² The following observation is here appended in the MS.: "On this petition a letter was granted to the Commissioners. Vide page 88 in the Letter Book."

and that he may bee spared for that time; upon which a lycence granted him for six weekes from the date heereof. Dated the 24th September 1666.—ORMONDE.”

MSS. OF
MARQUIS
OF ORMONDE.

John Jarvis.—To pass certificate for 676 acres, allotted, on foot of soldiers' arrears, in Thomas Taylor's patent.—24 September 1666.

Sir Francis Hamilton.—Warrant in reference to ten months' arrears due to himself and his troop.—25 September 1666.

Thomas Cuthbert, of London, draper.—“That one Major Robert Edgeworth,¹ now an officer in his Majestie's army in this kingdome of Ireland, is justly indebted unto your petitioner by two severall bonds in the summ of fifty-eight pounds, tenn shillings sterling, for the payment of nine and twenty pounds, eight shillings, and three pence sterling, due above five years since; that notwithstanding your petitioner hath forborne the said Edgeworth all the time aforesaid, and your poore petitioner is in extreme want of the said mony by reason of the great losse he hath sustained by the late accident of the fire² which happened in the said city of London and burnt your petitioner's house to the ground, and many of his goods, yet the said Edgeworth, depending upon priviledge in the army, doth utterly refuse to pay your petitioner's said just debt, so that your petitioner is in a deplorable condition unless herein speedily relieved by your Grace. The premisses considered, your petitioner most humbly prayeth your Grace will be pleased to grant your petitioner lycence to implead the said Major Edgeworth at law for recovery of his just demands, notwithstanding the said Edgeworth's military capacity. And your petitioner, etc.

“Dublin Castle the 27th September 1666.—If Major Robert Edgeworth shall not give the petitioner satisfaction for his demand within mentioned within six weekes after sight hereof, upon affidavit to be made before the clerk of the Counsell of the shewing this our order to the said Major Edgeworth at the end of the said six weekes, the petitioner may take his remedy against him by due course of law, notwithstanding his military capacity.—ORMONDE.”

William Armitage and John Chambre.—Order in relation to preparation of fiant.—27 September 1666.

Richard Philips.—Recovery of debt from Richard [Barry] Earl of Barrymore.—25 September 1666.

Captain Adam Molyneux.—“That your petitioner is willing to accept of a moyety of the ten months' arrears, due to him, as Lieutenant to Sir William Neale's troope of horse, if your Grace wilbe pleased to order him present payment thereof, as hath been granted to others. He therefore humbly prayes your Grace's order to the Muster-Master Generall to draw up a warrant for the payment of the said moyety. And, etc.

“Dublin Castle, the 26 September 1666.—The Muster-Master Generall or his Deputy is to state the ten months' arrear above-mentioned, and certify us to how much a moyety thereof doth amount.—ORMONDE.

“May it please your Grace: I find that there is due and in arreare unto Captain Adam Molyneux, as Lieutenant to Sir William Neale's troop of horse, from the 20th of October 1661 to the 27th of July 1662, according to the kalender account and present establishment, the summ

¹ See p. 76; also Ninth Report of this Commission, 1884, Part i., p. 143.

² In September 1666.

MSS. OF
MARQUIS
OF ORMONDE.

of one hundred and sixteene pounds two shillings, a moyetie whereof amounts to fifty-eight pounds one shilling; which I humbly certify this 26th of September 1663.—RICHARD BARRY.

“Dublin Castle, 26th September 1666. The Muster-Master Generall or his Deputy is to prepare a warrant for payment of a moyetie of the ten months’ arreare within mentioned to the petitioner, in satisfaction of the whole, and present it unto us for our signature.—ORMONDE.”

Captain Robert Deey.—Like petition, with order and warrant for moyety of ten months’ arrears.—26th September 1666.

Sir James Shane,¹ Knight and Baronet.—“That his Majestie hath been graciously pleased, by letters pattents under the great seal of Ireland, bearing date the 7 of June last, to grant a full third part of the cleare profits of the office of Register of the Court of Claines, which by a clause in the Explanation Act was reserved to his Majestie’s dispose, to Robert Reading and Alexander Bence, Esquire, with direction and authority to your Grace to call the officers executeing the said place to accompt, upon oath, for a third part of all they have or shall receive, necessary charge deducted, by vertue of the said office, and to cause all the moneys so as aforesaid received to be issued out and payed from time to time to such person or persons as his Majestie hath or shall appoint. That the said Robert Reading and Alexander Bence have, by instrument under their hands indorsed on the said letters pattents, granted, assigned, and made over unto your petitioner all their rights title and interest in the premisses unto your petitioner, his executors, administrators, and assignes. And your petitioner, by letter of attorney perfected by him, hath authorized Dr. John Westby, Auditor of the said Court, to receive all such fees as from time to time shall become due unto your petitioner’s use. Your petitioner therefore humbly prays your Grace to command the said Registers forthwith to bring in their accounts unto the said Dr. John Westby, and to pay unto him what is due unto your petitioner, according to the true intent and meaning of the said Act and his Majestie’s letters pattents.

“Dublin Castle, 26 September 1666.—Upon consideration had of this petition and the reasons thereby offered, we thinke fit hereby to require the Registers of the Court of Claines of Ireland to bring in their account of the third part of the profits of their said office unto Dr. John Westby, Auditor of the said Court, and to pay such fees unto him from time to time as they shall receive out of the said office, according to the true intent and meaning of the Act of Parliament and his Majestie’s letters pattents within mentioned.—ORMONDE.”

Philip O’Duffie and Patrick Brady.—“That, on or about the latter end of June last past, your poore petitioners were apprehended by a party of the Lord Dungannon’s troope in the county of Leytrim,² suspecting that your poore petitioners were rising in rebellion. That thereupon they were brought to this citty [Dublin] and comitted close prisoner in the said citty gaole meerey on the suspition aforesaid. That your petitioners are poore labourers and ready to make oath before your Grace that they never raised in rebellion against his Majestie, or had the least thought soe to doe. That they have the charge of wives and numerous children to maintaine only on the benefit of their dayly labour, but since your poore petitioners’ committall their said wives and children are in a starving condition, and unless your

¹ See p. 16.

² Leitrim.

Grace gives order for your poore petitioners' speedie enlargement, both your petitioners and their said wives and children will undoubtedly perish. May it, therefore, please your Grace mercifully to look on your petitioners' distressed and most deplorable condition, and, forasmuch as it was out of malice the said rebellion was fathered on your poore petitioners, to grant your Grace's order [for] their enlargement out of this prison, to earne their daily bread to maintaine themselves and their poore charge. And your poore petitioners, as, etc.

"Dublin Castle, 15th August 1666.—We pray our very good Lord the Lord Viscount Dungannon to certify us wherefore the petitioners were comitted, with his opinion whether he conceive them fit to be set at liberty.—ORMONDE.

"September the 23 1666.—May it please your Grace: The petitioners within mentioned were both comitted by your Grace's orders upon severall informations against them of being concerned in a late intention that lately was said to have been among some of the Irish nation to have risen in armes, and upon such examinations as have been taken before me, I find it fitt, if soe your Grace's pleasure be, that Philip O'Duffie be released upon bonds, but that Patrick Brady be still continued in restraint. All which is humbly submitted unto your Grace by your Grace's most obedient servant, DUNGANNON.

"Dublin Castle, 25 September 1666.—Upon consideration of the forgoeing certificate of our very good Lord, the Lord Viscount Dungannon, made in pursuance of our order given the 15th of August last, upon the within petition of Phillip O'Duffy and Patrick Brady, we are pleased and doe hereby order that the said Phillip O'Duffy, giving bond with sufficient security to the Clerk of the Councill to his Majestie's use of the penalty of one hundred pounds sterling, with condition that he shall appeare at the Councill Board within ten dayes after notice for such his appearance shalbe left in writeing at the now dwelling house of [blank] Standish, in High-street, scituate in the city of Dublin, and not depart without lycence of the said Councill Board in writeing first obtained, upon certificate of the said Clerk of the Councill of the said Phillip O'Duffie's giving such bond, the Marshall or gaoler in whose custody he doth remaine shall sett him at liberty, [he] paying his fees. But the other petitioner, Patrick Brady, is to be continued in restraint untill we shall give further order concerning him.—ORMONDE."

Dr. Robert Gorges.¹—"That upon your petitioner's humble application formerly made to your Grace, your Grace was favourably pleased to refer the consideration thereof to my Lord Anglesey,² and his Lordship, being satisfied in the truth of your petitioner's allegations, was pleased to report his opinion to your Grace that your petitioner ought to receive satisfaction for his annuity according to his grant, and that the Auditor-Generall should issue out debentures accordingly, and though your Grace hath been pleased to signify your concurrence to the said report, as by the annexed will more fully appeare, yet so it is, may it please your Grace, that Sir James Ware, his Majestie's Auditor-Generall, finds the prayer of your petitioner's former addresse to issue out debentures from the date of his Majestie's said grant, and though the said grant now of record in the said Auditor's office expressly declares the commencement of your petitioner's right to be from his last payment as assignee to Collonell Christopher Roper, late deceased, and though

¹ Manager of the affairs in Ireland of James, Duke of York, subsequently James II.

² Arthur, Earl of Anglesey, Vice-Treasurer of Ireland.

MSS. OF
MARQUIS
OF ORMONDE.

the Earle of Anglesey, as aforesaid, reports to your Grace that your petitioner ought to receive his arreare according to the said grant, yet, his Majestie's Auditor-Generall being not satisfied therewith, your petitioner humbly prayes your Grace's expresse order to the said Auditor that, pursuant to the aforesaid report made by the Earle of Anglesey, and pursuant to the time limited by the letters pattents, your petitioner may receive debentures for the aforesaid annuity or pension. And he shall pray.

"Kilkenny Castle, 6 October 1666.—We pray Sir James Ware, Knight, his Majestie's Auditor-Generall, to certify us what the difficulty is why the petitioner should not have debentures for the pension in the within petition mentioned, as is thereby desired, and thereupon we shall signify our further pleasure.—ORMONDE.

"May it please your Grace: In obedience to your Grace's order, I have considered of the first and second petition of Dr. Robert Gorges, and I find that by his first petition to your Grace hereunto annexed he desired onely your Grace's warrant to me to make out debentures for his pension of six shillings sterling per diem from the date of his Majestie's letters pattents granted to him of the said pension, which letters pattents doe beare date the 15th day of July 1665, and thereupon procured your Grace's order to me to make out debentures for his arreares of the said pension. But, upon perusall of the said letters pattents, I find that his Majestie hath been graciously pleased to grant unto him the said pension, as he truly informeth in his second petition, from the time of the last payment thereof unto him as assignee to Christopher Roper, which last payment I find to be at Michaelmasse 1663, so as the difficulty arising onely by the mistake of Dr. Gorges' first petition, I am humbly of opinion that your Grace may be pleased to give order to me to make out debentures from the time of the last payment unto him of the said pension as assignee to the said Christopher Roper, which I humbly certify and submit, etc.—JAMES WARE.

"Kilkenny Castle, 22 October 1666.—Upon consideration of the foregoing certificate of Sir James Ware, Knight, his Majestie's Auditor-Generall, made in pursuance of our order of reference, given the sixth day of this month, upon the petition of Dr. Robert Gorges, we are pleased and do hereby order that his Majestie's Auditor-Generall shall make out debentures to the said Doctor Robert Gorges for the pension in the said petition and certificate mentioned, from the time of the last payment made unto him of the said pension as assignee unto Christopher Roper. And for so doing this shall be a sufficient warrant.—ORMONDE."

Rowland Bunting.—Recovery of debt from Captain John Stockton.—6 November 1666.

Timothy Michellburne.—Recovery of debt from David Kennedy, of the Life-Guard.—29 October 1666.

John Gardiner.—"That your petitioner was clerk unto his Excellency the Earle of Ossory his troope for the space of fourteen months, during which time your petitioner gave and layed out to the use of Sir George St. George, Captain-Lieutenant to the said troope, the summ of one hundred fifty-two pounds, five shillings, and two pence, over and above his owne pay and his servants' pay, for which summ or any part thereof the said Sir George denieth to make any satisfaction, and hath also disbanded your petitioner at the muster taken the last of June 1666, notwithstanding that your petitioner had your Grace's furloe to be absent untill the nynteenth day of July following, which the Muster-Master had with him at the said muster, to your petitioner's utter ruine if not releived by your

Grace. Your petitioner's humble request is that your Grace may charitably be pleased to order Sir George St. George to satisfie your petitioner of the above debt, and any other officer or souldier of the said troope the debts by them oweing unto your petitioner, otherwise to appeare before your Grace to shew cause to the contrary; and graciously to order that your petitioner may receive his pay as trooper in the said troope until the expiration of your Grace's furloe, your petitioner having had noe accompt of his pay since January 1663. And your petitioner shall, etc.

"Dublin Castle, the 7 November 1666.—Sir George St. George is required, within ten dayes after sight or notice hereof, to make answer in writing to this petition.—ORMONDE."

Margaret Fennell, "the widow and relict of Dr. John Fennell."—"That your petitioner is delayed this seventeen months from having the benefitt of your Grace's severall orders for the mortgage of Kilconery, occasioned by the misinformation of some pretending to it, and after severall references to the Commissioners and from thence to [blank], on both sides, and last of all your Grace's Commissioners, by consent of all parties, referred the matter to Sir Tho[mas] Longeville, who has accordingly called all parties before him and examined the matter thoroughly, as may appeare by his report hereunto annexed,¹ and his opinion, thereunto signed, that the benefit of the mortgage belongs unto your petitioner in right of the two eldest daughters of William Fennell, whom the petitioner satisfyed for the said morgage. May it therefore please your Grace to confirme your Grace's first order of £100, as your petitioner compounded for, and that your Grace may not suffer your petitioner to be further delayed, she being indebted more than the money comes to [hy] her constant prosecution thereof.

"Dublin Castle, 12 November 1666.—Upon consideration of this petition, and of the annexed certificate² of Sir Thomas Longevill, Knight, we are pleased and doe hereby order and require that the Commissioners for the management of our estate shall, out of our moneyes, cause the summe of £100 in the said petition mentioned to be payed unto the petitioner, Margaret Fennell, the relict of Dr. John Fennell. And for so doing this, with her acquittance confessing the receipt thereof, shall be a sufficient warrant.—ORMONDE."

Richard Row, Thomas Hart, Gerald Wallis, Nicholas King, William Barker, and Paul Aulfrey.—Praying that their certificates for lands may be passed in one patent, under "Explanatory Act."—13 November 1666.

Thomas, Earl of Ossory; Richard, Earl of Burlington and Corke; Roger, Earl of Orrery; Richard, Earl of Arran; and Robert Boyle, Esquire.—"That by the Explanatory Act, page[s] 143 and 144,³ your petitioners, their heires and assignes, are to have the full benefit of his Majestie's letters of the 24 July 1665, so farr forth as your Grace shall find the generall matters and things therein to be consistent with or agreeable unto his Majestie's gracious Declaration, or the Act of Settlement, or Act of Explanation, or any of them, an extract whereof is in the paper hereunto annexed.⁴ May it therefore please your Grace to take so much of the said letters as doth not relate unto the [16] 49 Security into your Grace's consideration, and to cause such further proceeding to be made thereupon as, upon consideration had thereof,

^{1,2,4} Not in the MS.

³ Section 279 of Act referred to

MSS. OF
MARQUIS
OF ORMONDE.

and of the said Act, your Grace shall think fitt, and your petitioner shall ever pray, etc.

"Dublin Castle, 15 November 1666.—We pray our very good Lords, the Lord Baron of Santry, Lord Cheife Justice of his Majestie's Court of Chiefe Place, and the Lord Cheife Baron of his Majestie's Court of Exchequer, to consider of this petition, and the paper annexed as also of the clause in the Act of Explanation, pages 143 and 144, and of his Majestie's letters of the 24 July 1665, therein mentioned, and haveing called before them the agent of his Royall Highnesse the Duke of Yorke, Sir James Shaen,¹ the late Agents imployed into England on behalfe of the Romane Catholicques,² the Lord FitzHarding's agent, and such others whom they shall find to be concerned herein as they shall think fitt, and haveing heard what they have to say or offer herein, to certify the same unto us, together with their opinions therein, and whether the severall matters and things in the said letters, or which of them, or how farr forth the same respectively are consistent with or agreeable unto his Majestie's gracious declaration of the 30 of November 1660, the late Acts of Settlement and Explanation, or any of them, (excepting onely what relates unto the [16]49 security;) whereupon wee shall proceed to do further herein as wee shall find to be just and warranted by the said clause in the Explanatory Act.—ORMONDE."

Emor Tournay.—Recovery of debt from James Barkely, of Dublin, wheelwright, and "servant to his Grace."—15 November 1666.

Edward Davys.—"That your petitioner hath continued in restraint in the Marshalseyes of this citty, for the space of nine weekes upon suspicion of breaking open the mails. His humble request to your Grace is that you would be pleased to examine the truth of the matter, and if your petitioner can clear himselfe of that crime that he may be set at liberty, otherwise to be continued. And he shall pray.—EDWARD DAVYS.

"D[ublin] Castle, 25 November 1666.—We pray the Lords of his Majestie's Privy Councell sitting in our absence to informe themselves concerning the truth of this matter, and to do therein what they shall find to be just.—ORMONDE."

Viscount Baltinglas.³—Arrears of pay due for service as Ensign in the Earl of Barrymore's company.—22 November 1666.

Henry Aland.—Replevin of cattle seized on petitioner's lands in the county of Wicklow, on account of assignment of rent arrears arising out of lands not in petitioner's possession.—27 November 1666.

Case of John Brough.—"To the King's most Excellent Majestie: The humble petition of Ann, wife of John Brough, Chirurgion, now prisoner in the city of Dublin, in your Majestie's kingdome of Ireland, and late servant to Mr. Teddar, Chirurgion in Ordinarie to your Majestie—Sheweth: That your petitioner's said husband having the hard fortune to lodge in the house of a quarrelsome landlord in the said citty, who violently assaulted and wounded him in severall places, to the apparent hazard of his life, for preservation whereof, and after your petitioner's said husband had defended himselfe as long as he was able, seeing no hopes of safety at last unhappily gave his said landlord a wound, whereof he not long after died, for which your petitioner's said husband was condemned to suffer death; but the said wound being

¹ Cessor, Collector and Receiver-General of the Province of Leinstre, and Registrar of the Court of Claims.

² In relation to the "Act of Settlement."

³ Cary Roper, third Viscount Baltinglas.

given in his owne defence, as may appeare by certificate annexed,¹ he was by his Grace the Duke of Ormonde, Lord Lieutenant of the said kingdome, reprieved for a certaine time, yet must undoubtedly die for the same in the very prime of his dayes, to the ruine of your poore petitioner, and her great charge of four small children, without your Majestie's clemency and goodness be extended towards him herein. And therefore most humbly prayes that your Majestie will be pleased to grant her said husband your Majestie's gracious pardon for the said offence, as being the first that ever he committed and in his own defence, for which he is very penitent. And as in duty bound, shall every pray, etc.

"At the Court at Whitehall, the 25th September 1666. — His Majesty is graciously pleased to referre the consideration of this petitioner's request to his Grace the Duke of Ormonde, Lord Lieutenant of Ireland, to report his Grace's opinion thereupon to his Majestie, whether he is a fitt object of his mercy, and then his Majestie will declare his further pleasure.—ARLINGTON.

"The humble petition of Walter Brough, in the behalfe of his brother, John Brough. — Humbly shewing: that the King's most Excellent Majestie, upon the petition of Ann Brough, on the behalfe of her husband, the said John, and of the certificates thereunto annexed, some of which are also hereunto annexed,² and in consideration of their great charge, having four small children, was graciously pleased to grant an order of reference unto your Grace, bearing date the 25 of September last, to make your Grace's report if the said John be a fit object of his Majestie's mercy, which said reference is also hereunto annexed.³ Now for that the said John, for his act rashly committed through provocation, and that as he hath been serviceable to his Sacred Majestie in his subjects, soe he may be much more, and that his poore children, if he should suffer, are like to starve for want, your petitioner humbly beseecheth your Grace to be moved with compassion and to grant further tyme unto the said John, till such tyme as his Majestie's pleasure shall be knowne upon your Grace's report, as also that your Grace wilbe pleased to report with as much favour as possible upon the said reference, and your petitioner shall pray, etc.

"The 13 day of November 1666.—Referred to his Majestie's Judges, before whom the within named John Brough received his tryall, to consider of the within petition of Walter Brough in the behalfe of his [brother,] the said John Brough, and certifie unto us the state of the matter of fact appeareing to them upon tryall of the said John Brough. And we are pleased that the said John Brough, and also Sarah Wells,⁴ who, as wee are informed, was condemned concerning the said matter, be reprieved untill the last day of January next; whereof all persons concerned are to take notice.—ORMONDE.

"May it please your Grace,—In obedience to your Grace's order of reference dated the 13th November last, grounded upon the petition of Walter Brough, we humbly certify that in Trinity terme last the petitioner's brother, John Brough, with one Sarah Wells and Ellinor Ludman, received their tryalls before us in his Majestie's Court of Chiefe Place for the traiterous murder of William Wells, husband to the said Sarah Wells, and the said John Brough and Sarah Wells were then and there found guilty of the said murder and received sentence of death, upon which a writt of execution was awarded; that shortly afterwards

^{1,2,3} Not in the MS.

⁴ See p. 6.

MSS. OF
MARQUIS
OF ORMONDE.

upon the petition of the said Sarah Wells pretending herself to be with child, though at her tryall soe confest she was not quick with child, your Grace, in your wonted justice, in order to your owne satisfaction in matter of fact, was pleased to order respite of execution for some short tyme and to require our report therein to your Grace, which wee accordingly made, the substance whereof, soe farr as we conceive proper upon your Grace's present reference, is as followeth, viz.: It appeared upon the evidence on the said triall by testimony of one Dilkes, a foot souldier, that he being in the house of one Nichola Harrison, next doore to William Wells his house, heard one cry out 'murder' in his the said Wells his house; and the said Nichola Harrison's mayd upon her oath affirmed that she, being at the same tyme in her mistress's cellar, which was under the said Wells' lodging-chamber, heard one cry out 'murder,' and that immediately much blood fell betwixt the boards upon her. Whereupon the said Dilkes upon his oath affirmed that he and some others went immediately to the said Wells his doore, where they found all very still and quiet, and demanding oft, and very hard, what was the matter, noe answer was returned for above the space of halfe a quarter of an houre. But the said Dilkes and others with him threatening thereupon to break open the doore, the said Sarah Wells told the said Dilkes and others with him then standing at the doore, that they could not come in, for that the doore was lockt and the key was in her husband's pockett. Whereupon the said Dilkes, running violently with his foot against the said doore, the lower part of it flew open, the upper part of it, it being a hatch doore, being lockt and the key in it. And then, being somewhat after 11 of the clock in the night, the said Dilkes, and others with him, entered the house of the said William Wells, where they found him the said Wells lying on his face speechless and wounded in five places within his own bedchamber, and the said John Brough standing in the next roome within two yards of the said Wells his chamber, with his sword drawn and bloody, and the said Sarah Wells, whose apron was all blood, and Ellinor Ludman standing a little behind him, the said Brough; and the said Dilkes and others with him disarming the said John Brough, he, the said John, then and there said, that what was done, he did it. With all which testimony of the said Dilkes concurred the testimony of others with him, who all agreed that at their entry into the said Wells his house they only found in the said house, besides Wells his dyeing corps and the said John Brough, Sarah Wells, and Ellynor Ludman, young Wells, son to the said William Wells, a child of about eight yeares old, and a woman in nature of a maid servant, who, [by] meanes of the [said] Sarah, as the said Dilkes and others affirmed they believed, was on a sudden shuffled out of the said house. And [it] further appeared by the testimony of the said young Wells that the said Sarah Wells having bin out in the towne with the said John Brough the greatest parte of that day, his father, the said Wells, at her coming in, which was about nine a clock, being about an hour before the said John Brough came in, was very angry with the said Sarah, his wife, for being out with the said Brough, and gave her severall angry words. And the said Nichola Harrison upon her oath gave evidence that about an houre and something more before 'murder' was cryde out in the said Wells his house, with him further testified that, immediately after their said entry into the said house, the said Sarah very briskly and unconcerned sayd, 'I'll take my oath my husband began,' though noebody gave the least occasion of saying soe either by askeing her any question or otherwise. And, last, we humbly certify that it did not appeare unto us, at the said John Brough's and Sarah Wells' tryall, that the said William Wells had any weapon offensive or

defensive in his hand at the tyme of his being slaine as aforesaid, or that he gave the least occasion of quarrell at that tyme to the said John Brough, he, the said William Wells, being on or in his bed with his son, when the said Brough came in, and had only some few clothes loosely on when he was slaine, onely the said John Brough and the said Sarah Wells affirmed that the said William Wells began the quarrell, and with a chamberpot hurt the said John Brough in the head or forehead, and one Dr. Fountaine¹ produced on Brough's parte, ore tenus, said that he, seeing the said Brough presently after the fact done on Wells, did observe him hurt as aforesaid, but how, or by whom he knew not. All which is most humbly submitted to your Grace's wisdom and just consideration this 29th day of December anno Regis Caroli Secundi Aglia, etc. 18 annoque Domini 1666, by your Grace's most humble servants, WIL. ASTON.²—THO. STOCKTON."³

"On the foregoing petitions and report of the Judges was granted this following letter :

"My Lord : About two months since I received a reference from his Majestic, bearing date the 25th day of September last, on the petition of Ann, wife of John Brough, now a prisoner here and condemned for the killing of one Wells, and immediately thereupon gave orders to the Judges, before whom the said Brough was tryed, to certify me how the matter of fact appeared to them upon the tryall; and the Judges having returned me their certificate, I have herewith transmitted the same to your Lordship, having nothing more to say in a matter appearing so fowly before the Judges, but humbly offer and submit the same to his Majestic's consideration and pleasure, which it is necessary I should receive if possible by the latter end of this month, in regard the time to which the petitioner is reprevied wilbe then expired and so I remaine, my Lord, your Lordship's most affectionate humble servant, ORMONDE."

"Dublin Castle, the 12th of January 1666."

"To my Lord Arlington."

Lady Sterling⁴.—Recovery from Randal Moore⁵ of jointure and monies reserved to petitioner on her marriage with Sir James Moore, and accruing out of lands in the county of Louth now rented from her by Randal Moore, etc.—31 January 1666[–7].

Paul Brazier.—Recovery of profits of lands, in Donegal, of which petitioner had been dispossessed by the Trustees of "the 1649 Officers."—2 February 1666.

Edward Chamberlain.—Recovery of debt from Humphry O'Keaver, Lieutenant of a foot company in the Isles of Arran.—24 January 1666[–7].

Michael Berford, of Kilcow, county of Meath.—Repossession of lands in Donamore, decreed to petitioner by Court of Claims, and now held by Mr. Janes of Blackcastle.—31 January 1666[–7].

¹ James Fountaine, Surgeon-General, Ireland. See p. 502, Appendix to Eighth Report of this Commission, Part i., 1881.

² Sir William Aston and Thomas Stockton, Justices, King's Bench, Ireland.

⁴ Jane, daughter of Edward, Lord Blaney, and widow of Sir Robert Sterling. She had been previously married to Sir James Moore, son of Sir Garret Moore, first Viscount Mellifont.

⁵ Randal Moore, brother to Henry, Earl of Drogheda.

MSS. OF
MARQUIS
OF ORMONDE.

Henry Bankes, gentleman.—“That your petitioner, having been soe severely dealt withall by the late Lord Archbishop of Tuam,¹ (as the annexed case betwixt them truly discovers,) hath yet, in reverence to a person of his eminence in the Church, and in expectation of finding a remedy for the evil at the length from himselfe, soe long foreborne to seeke it elsewhere, that he is now dead, not having taken any course for the restitution of those monys and other goods of the petitioner mentioned in the annexed paper, of which he soe illegally possesst himselfe and deteyned; that now the said Lord Archbishop's executors, his widdow and his sonne, are making their applications to your Grace for a grant of the halfe yeare's rents belonging to the sees of Tuam and Kilfenorah, due the next Lady Day. His most humble request therefore is, that, seeing, as your petitioner's councill adviseth him, the action at law he had against the said Lord Archbishop being personall and perhaps dying with himselfe, he may be left remedyless at law against his executors (into whose hand are now come all the said monys, medalls, rings and jewells, sealed up in bags, with the other goods and writings, without any embeizilment hitherto) that your Grace would be pleased, out of your knowne love to justice, to order the restoring of the said monys and other goods to your petitioner before your passing a grant of the said rents unto them, or, otherwise, if the said rents are not to be granted to them, to order some expedient for your petitioner's reliefe herein, it being the most considerable part of his present fortune, his father's estate and family having been totally ruined by his sufferings for his late Majestie of blessed memorie. And your petitioner, as in duty bound, shall ever pray, etc.—HENRY BANKES.

“The case betwixt Samuell [Pullein], Lord Archbishop of Tuam and Henry Bankes.—The said Henry Bankes was brought over into this kingdom by the late Lord Primate Bramhall,² who, finding at his coming over the office designed for him predisposed by patent by his predecessor,³ obteyned another for him from his brother-in-law, the said Lord Archbishop of Tuam, whom, upon further knowledge, his Grace invites to a domestique residence with himselfe and to take upon him the general agency and management of his affaires, which with that diligence attended with such successe he pursues, that he advanced his revenue from £600 (for soe his Grace's agents had sett his estate the yeare before he tooke on him the said employment) to £1,500 per annum, besides an accompt given of above £1,500 more raised by way of fines upon settling some part of the lands in lease. His Grace's affayres being soe well ordered, the said Bankes thinks to recede from those employments to follow his owne, being made Chancellor of some diocesses in that province. Soe delivers up to his Grace an account of all trusts comitted to him, wherein all matters were so particularly stated that, after a previous diligent search and enquiry, noe just exception was or could be taken thereunto. Yet, notwithstanding, his Grace, overruled, as the said agent conceives, by the too powerful perswasions and influence of his wife and his sonne, who both hated him (the one, for preferring the good of the see to the private advantages she designed thereout for herselfe, the other as coveting his employments, both which designs they since compassed,) was induced to committ this hereafter mentioned force and violence against the said Bankes, forgetful thereby of services that deserved a better requitall, and of his quality as being a Justice of the Peace for that and

¹ Samuel Pullein, sometime Chaplain to the Marquis of Ormonde, was appointed Archbishop of Tuam in January, 1660-1661, and died in January 1666-1667.

² John Bramhall, Primate of Ireland, 1660-1663.

³ James Ussher, who died in 1656.

the neighbouring county. His Grace takes occasion to employ the said Bankes at 20 miles distance from his house; then causeth the castle gates to [be] lockt up; convenes his servants; acquaints them with his desigine of breaking into the said Bankes his study, and breaking open all his trunks, and searching them. All his servants refuse to obey him (and for that reason severall of them were turned out of his service,) except two of the meanest, and those persons of a leud and dissolute life. Soe his Grace, his wife, and those two servants break open the said Bankes his study doore, guarded with two locks, from thence take all the papers, letters, writeings, which either concerned the said Bankes his particular affaires, or any others committed to his trust, of both which sorts there were some very considerable, as evidences for land, leases, letters of private affayres of great concernment, and discharges for debts formerly due by the said Bankes and his father for above 5,000*l.*, the specialtys for which debts remaining many of them of the creditors hands, those discharges are his only security against the double payment of them, with other papers of accompts for great sums of mony. Next they repaire to the said Banks his lodging-chamber doore, which strongly likewise lock'd they break open, and thereout carry 10 or 11 trunckes and boxes of the said Bankes his goods. One of the said truncks first his Grace causeth to be broke open, wherein was about £40 in mony and the keys of all the rest, with which he causeth them all to be opened; and, strictly searching them, what writings and other things the said Lord Archbishop and his wife found to their likeing they tooke out and lock'd up in their owne truncks, and particularly two bags sealed, having £100 in English mony, severall other bags, sealed up, wherein were neare a £100 in medalls and rare ferreigne coynes, a bag of ringes, jewells, etc. of about £50 vallue, severall leases whereon were due to the said Bankes about a £100 from severall lessees, besides a lease which the said Bankes had obtained of the said Lord Archbishop upon payment of 4 yeares income, by way of fine for the same, which having gott, his Grace resezied the lands, much of which monys, medalls, etc. the said Bankes brought with him out of England, and pays yet interest for the same; and since his Grace has seized another trunk of the said Bankes', wherein were all his bookes, printed and manuscript, and the remainder of all his private writings, letters, etc. which he had in the world. All which particulars, soe violently and illegally seized on, his Grace kept during his life and hath now left to the custody of his widdow and some (his executors) where at present they remain.—HEN. BANKES.

“Dublin Castle, 9 February 1666[–7].—The widdow of the late Lord Archbishop of Tuam and her sonn above mentioned are hereby required to make present answer in writeing to this petition.—ORMONDE.”

Joshua Rowlandson.—Recovery of debt from Hugh Barclay, clerk of the stores, ordnance and magazine at Londonderry.—22 February 1666[–7].

“The reply of Henry Bankes to the answer of William and Frances Pulleyn to the petition and case of the said Henry Bankes:—The said Henry to the said answer replies and saith that the [said] William cannot be ignorant of the said Henry's advancing the revenue of the sees of Tuam and Kilfenorah from £600 to £1500 per annum, nor yet of his raising for the Lord Archbishop of Tuam's use above £1500 in fines the severall rentalls (both of the said Lord Archbishop's former agents, and the latter of the said Henry's improvements,) together with the schedule of the mentioned fines, which manifest the same, having been delivered by order of the said Lord Archbishop up to the said William, his sonn, upon the said Henry's quitting the said Lord Archbishop's employments. And

MSS. OF
MARQUIS
OF ORMONDE.

further the said Henry saith that it is a mere pretence (to give some colour to the violent seizure of the said Henry's monys, writings, and other goods by them both contrived and by one of them executed,) to alledge the said Henry's not having accompted to the said Lord Archbishop at the time of the mentioned seizure, for that the said Henry had some months before the said seizure delivered up to the said Lord Archbishop the accompts of his whole trust; whereby after a review had of them by a gentleman, (sonn-in-law to the said Lord Archbishop, to whom the inspection into and stateing of the said accompts was by mutuall consent referred,) it appeared that the said Lord Archbishop remayned indebted to the said Henry above £40 sterling, not the least check to the said account being then offered at by the said Lord Archbishop, or any on his behalfe, though then required by the said auditor. And whereas it is alleaged by the said William and Frances that all the writings and papers which were taken from the said Henry were secured in trunks and not opened till the said Henry came to view them, the truth is, that, when the said Henry's study doore was broke open, all the writings and papers in it (both of the said Henry's and others committed to his trust) were taken thence and carryed into the said Lord Archbishop's lodging-chamber, and there care[le]sly throune together on one comon heape, where they lay severall dayes exposed to the view, search, and purloining of all such servants and others as had their usuall accesse to the said chamber. Which when the said Henry, after his returne to Tuam, understood, being not vainely fearfull of his owne utter ruine by the losse of papers of soe great concernment to him, he begged of the said Lord Archbishop that they might be secured under lock till he should be pleased to restore to him his owne writings and others in charge with him not relative to his Grace or his sees; which was then granted, and afterwards the said Henry commanded by the said Lord Archbishop to attend the view and division to be made of all the said writings and papers, at which time the said Lord Archbishop did restore unto the said Henry many of his owne proper writings (but not all) together with his private letters (then out of comon sence of humanity restored unlooked into) but did not leave him an inch of paper, that might be imagined to belong to himselfe or his sees. These, with the rest of the said Henry's trunks and goods, were left by the said Henry at his late going into England at the Lord Bermingham's¹ house neare Tuam; after which the said Frances and William, possessing the said Lord Archbishop with an opinion how usefull for some respects might be the having againe in his custody and thorowly reviewing all the said Henry's writings and papers, (which he had formerly restored him,) perswade his Grace to send for a replevin, which, upon the specious pretense of the said Henry's having surreptitiously conveyed the writings of his sees into an obscure place where they had discovered them, was granted for five trunks full of writings belonging to the said Lord Archbishop and his sees. By colour of which replevin, upon such false suggestions obteyned, the said William Pulein repayres to the Lord Bermingham's house and causeth to be broken open againe ten or twelve trunks and chests of the said Henry's goods, and from thence conveys unto the said Lord Archbishop's all the said Henry's library of bookes, both printed and manuscript, and all his private and proper writings and letters, (both originalls of others and coppyes of his owne,) which have all of them been viewed and examined to a sylable, and, (as he hath been informed,) his owne papers and writings of

¹ Francis Bermingham, Baron of Athenry. See p. 1.

concernment, (which must needs bring on his finall ruine and distruction) out of an implacable malice and hatred to him imbesled by them, and all his private affayres and business (impertinent to anything relating to the said Lord Archbishop) made the comon discourse of his whole family and of all others to whom they are pleased to relate them."

"And whereas it is further alleged by the said William and Frances that they have never seen the monys, rings, jewells, medalls, forreign coines, etc. forceably taken from the said Henry, as in his petition and case mentioned, 'tis evidently knowne to above twenty witnesses that the said Frances did actually assist at the breaking open the said Henry's study and chamber doore, carrying away his goods, striking at the lock of the mony trunk, in endeavouring to break it open, and locking up in her owne trunks the said mony and other goods, and that afterwards when the said Lord Archbishop had a desire to know the value of what he had soe taken away, and to that purpose resolved to unseale the bags, (being admonished of the greater danger of doing it privately,) he sends to severall of the neighboring gentlemen to come to him, to be witnesses of what was found in them at their opening; in whose presence (the said Henry being absent) the box which had been locked againe after the first view was broke open by the said Lord Archbishop's command, the baggs unsealed, the monys told, in which actually assisted the [said] Frances and William Pullein; a particular of it and the other goods taken, and attested by severall of the by-standers, and a copy of it by the said Lord Archbishop's orders sent to the said Henry, to compare with his owne particular, least any part of the said monys and other goods might be privately concealed from him, as the whole was publicly forced from the said Henry.

"And whereas it is further objected by the said Frances and William Pullein that the said Henry had delivered up bonds for fines which the severall lessees would not owne, 'tis answered that the reason for their denying to owne or discharge the aferesaid bonds was in respect their leases (which were left in the said Henry's custody for his security for such his undertaking for them, and were upon breaking open the study and trunks of the said Henry's, seized on by the said Lord Archbishop,) were from thence and yet their fines demanded, as in like case by the aforementioned force; there being found (amongst other leases) one lease of a castle and some lands adjoyning granted to the said Henry by the said Lord Archbishop under his hand and seale, and confirmed by Deane and Chapter; the said lease was nulled by the said Lord Archbishop, the said Henry dispossessed by force from his said holding, notwithstanding it was the first lease whereof the said Lord Archbishop made promise of at his coming to that see, and that accordingly, by vertue of the mentioned lease, the said Henry and his undertenants had been in peaceable possession thereof for four yeares, and that he had satisfied to the said Lord Archbishop four yeares' fine for the lease at the augmentation rent. With this sad example the forementioned lessees being forewarned, 'tis noe wonder that they should deny the bonds till they got their leases; that some of them immediately upon the delivery of their leases did satisfy to the said Lord Archbishop the said bonds, and the rest declared to doe soe when they should receive their leases, as by certificates under hands the said Henry can make appeare.

"By all which, and what other proofes and evidences the said Henry can upon occasion produce, it may evidently appeare, how the said William and Frances Pulleyn have purposely framed severall forced calumnyes wherewithall to defame the said Henry before authority, that

MISS. OF
MARQUIS
OF ORMONDE.

he might be judged to meritt the ill usage he met with from them and that he might be diseountenanced by some in authority from prosecuting his legall reparation. Amongst which said devised aecusations these following, mentioned in severall places of the said William and Frances their answer, may take their place, viz. that the said Henry keeps in his hands to the value of £400 due to the said Lord Archbishop, (whereas the said Lord Arehbishop was before the mentioned force and seizure considerably in the said Henry's debt); that the said Henry had converted some concealed profits of tythes due to the said Lord Archbishop to his owne use, (whereas the said Henry was soe far from doing it, that to encrease the said Lord Arehbishop's tyth revenue he hath heightened it with the addition of his owne fees allowed him for the employment); that the said Henry kept tyth bonds soe long by him that the debtors became insolvent, (whereas at every Assizes in the countyes of Gallway and Mayo the said Henry did prosecute the deficient debtors to the utmost of the law, at his owne charge of travelling expenses); that the said Henry had defrauded the said Lord Arehbishop of above £2000, and that £1500 thereof was returned by him at one time into England, from whence 'tis pretended he never brought any summe of monys, whereas all the defrauding that doth or can appeare upon this contest is of him not by him; that in all his life-time he never returned for England to the value of £400, a summe much short of what at severall times he brought hither from thence; and whereas, at the present, by reason of some unlucky sequells of his first speedy coming into this kingdome and the late unhappy seizure and detention of his monys and other goods aforesaid, hee is brought into a lower condition of fortune than he remayned in at his first coming over, as having been forced by the forementioned unfortunate obstructions to quit a lease for life of £80 per annum for £150 in monys, and to sell of this last sommer the remainder of his inheritance (saved from the gulph of the late warr in England) at too low a rate, as that which cost his predecessors above £1500 and himselfe in improving above £500 more, yielded now not £600, the time for reducing the morgage being elapsed, and the creditor having gotten into possession of the morgaged premises, whilst the said Henry was attending here for some issue of his unhappy business with the said Lord Arehbishop and the receiving his monys of him, which should have redeemed the morgage.

"Upon consideration of all which foregoing passages, 'tis now the renewed humble suit of the complaynant that his Grace the Lord Lieutenant would continue to take further cognizance of this injury don unto him, and, if it properly fall within the compasse of that sphere wherein his Grace doth move, to find an expedient for the redressing of it, as well in regard such unusuall wrongs and oppressions are seldome heard of under governments where Christiaunity and peace reignes, omitted, surely never unredressed, as also in respect that the making more publiek so foule a faet (with other aggravating circumstances, which here are purposely omitted,) may not staine the memory of a person of soe great eminence in the church as the said Lord Arehbishop was, and one of a naturally good disposition, if a violence had not been committed against it by those whoe found out the opportunityes of old age accompanied with infirmityes too seasonable to work upon their malicious suggestions and by their too powerful perswasions to modell him to their designes. The execution whereof in this aforesaid partienlar force against the said complaynant the said Lord Arehbishop hath more than once with teares lamented, but still meanes [were] found out by those evill advisers to debar the said complaynant from receiving any fruits of that repentance. And he shall pray, etc.—HEN. BANKES.

"Dublin Castle, 5th March 1666.—We pray the most reverend fathers in God, the Lord Archbishop of Armagh,¹ Primate and Metropolitan of all Ireland, and the Lord Archbishop of Dublin,² Primate and Lord Chancellor of Ireland, calling before them the plaintiffe and the defendants in this matter, to examine the difference between them and to certify us the true state thereof, with their opinion what they shall conceive fit for us to do therein.—ORMONDE."

The Earl of Westmeath,³—"That the petitioner by special provision in his Majestie's gracious Declaration, and, after, by a clause in page 21 of the Act of Settlement, was to be restored to his former estate without further prooffe; that his Majesty, by his letters of the 24th of October 1664, takeing notice that he had designed the restoring of the petitioner to that estate which formerly did belong unto him and his ancestors, wherein, his Majestie's resolution having met with some interruption, he was pleased for the petitioner's present reliefe, that the impropriations which formerly did belong unto him should be continued unto him, and that he should receive the profits thereof for his subsistence untill his Majestie did provide otherwise for him, directing your Grace, or, in your absence, the Earle of Ossory, then Lord Deputy of this kingdome to give order for the petitioner's quiet enjoyment of the said impropriations, which was accordingly done by warrant of his Excellency the Lord Deputy in your Grace's absence. That the petitioner being lately therein disturbed, on his application to your Grace, he had your warrant not to be outed till he were judicially proceeded against, since which time the incumbent concerned in the said impropriations, or their trustees, have proceeded in the Court of Claimes and obteyned a judgment, pursuant to the severall clauses in the Acts of Settlement and Explanation, the names of the said incumbents, as also the particular of the said severall impropriations are expressed in a seedull hereunto annexed.⁴ That, by a clause in page 73 of the Act of Settlement, which is likewise continued and confirmed in page 27 of the Act of Explanation, it is declared and enacted that it shall and may be lawfull to and for the Lord Lieutenant, or other Chiefe Governor or Governors of Ireland for the time being, to allot, assigne, and appoint unto all and every person and persons (who by the rules of the said Act of Settlement shall or may be restored) such recompence and satisfaction out of such impropriations as to him or them shalbe thought fitt and reasonable, which recompence and satisfactions soe as aforesaid to be assigned shalbe by vertue of the said Act of Settlement received and enjoyed accordingly. The petitioner therefore most humbly beseecheth your Grace, pursuant to the said severall clauses in both said Acts, that your Grace may be pleased to take into consideration the yearly value of the petitioner's said impropriations, and to order him such recompence and satisfaction thereout as to your Grace shalbe thought fitt and reasonable,

¹ James Margetson, Archbishop of Armagh.

² Michael Boyle, Archbishop of Dublin and Chancellor of Ireland.

³ Richard Nugent, second Earl of Westmeath.

⁴ The particulars referred to are as follow:—

Cavan, diocese of Kilmore : Improprate tithes of Mullagh, Killinkeere, Kilmore, Kildromfertan, Ballintemple, Anuegeliffe, Drowning, Killisardan, Lowy, Urny.—Incumbents : Patrick Maxfield; Edward Dixie; Ebenezer Burch; Ambrose Barcroft; William Sheridan; William Aldridge; Andrew Barecroft.

Westmeath and Meath, diocese of Meath: Improprate tithes of Mayne, Lickblagh, Rathgraffally, Fowry, Foyran, Kilpatrick, Kaghelstown, Rathpatrick. St. Feighan, Our Lady's Church, Rathgarrow, Grangetown.—Incumbentt: Thomas Fitzsimons; Hugh Hannagh.

Longford, diocese of Ardagh: Improprate tithes of Abbeylaragh.—Incumbent: Heskesth Ferris

MSS. OF
MARQUIS
OF ORMONDE.

the profits whereof being hitherto the best subsistence he had. And the petitioner will ever pray, etc.

“Dublin Castle, 22 March 1666[7].—The severall incumbents above mentioned are required, by themselves or their agent or agents sufficiently authorized and instructed, within eight dayes after the beginning of the next Easter terme, to appeare before us to answer this petition and to shew cause, if any they can, why the request thereof should not be granted.—ORMONDE.”

Hugh Montgomery, Captain, clerk of his Majesty's Stores, Dublin. —Delivery, for his Majesty's use, by Commissioners of Customs, of powder bought on board the ship “Orange Tree.”—3 May 1667.

Richard Jans, Esquire, High Sheriff of the county of Meath, Thomas Loftus, Thomas Coach, Arthur Purefoy, David Parry, Garret Wesley, Henry Wade, and Stafford Lightburne, Esquire, his Majesty's Justices of the Peace for that county.—“That Owen McDaniel, John Kelly, Brian Dunely, Terlogh McBrian, Thady Owney, Terlogh McEnteere, and John Smith, alias Gowen, now prisoners committed to the gaole of Trim, who upon their examinacions confessed themselves guilty of severall felonneys, although upon their tryall they denied the same, and for want of further evidences more than their owne confessions, as aforesaid, were acquitted at the generall assizes held at Trim for the said county, the 13 April 1667, before Sir William Aston, Knight, Lord Judge of Assize for the north-west circuit of Ulster, yet they still remaine in prison. And your petitioners, considering the evill consequence of such notorious and knowne robbers to be sett at liberty will tend to the further distruction of the country, they therefore humbly pray your Grace will be pleased to grant your order to transport the aforesaid prisoners to the Barbadoes, it being their desire, and there being a ship now in the bay of Dublin bound for that island. And your petitioners shall ever pray.—RICHARD JANS.—GERR. WESLEY.—ARTHUR PUREFOY.—STA. LIGHTBURNE.—HENRY WADE.

“Dublin Castle, 1 May 1667.—We conceiving the within petition subscribed by the High Sherrieff and severall of his Majestie's Justices of the Peace of the county of Meath, who know in what condition the prisoners do stand, to be a ground sufficient to grant the request of the said petition, are pleased and do hereby order that if any marchants or other person or persons with good suretyes shall give bonds to the Clerke of the Councell, to his Majestie's use, of the penalty of three hundred pounds, with condition that, within six weekes after the enlargement of the said prisoners respectively out of the prison wherein they now remaine, they shall ship themselves for the island of Barbadoes and be transported thither, and not returne into this kingdome without the lycence of the Cheife Governor or Governors thereof for the time being, upon certificat of the said Clerke of the Councell of the giving such bonds, the Sherife or gaoler in whose custody the said prisoners do remaine shall set them at liberty.—ORMONDE.”

John Goatly.—“That your petitioner, being an Inn-keeper in the city of Waterford, about fower yeares since there were quartered upon [him] by command, the severall persons, whose names are under written, of the Earle of Kildare's troope, who did owe unto your petitioner, for their owne diets and their horse-meat, the summe of twenty-two pounds two shillings, and eleaven pence, as by each man's particular bill under his hand may appeare, attested by Sir John Ponsonby, who was then their Lieutenant and ready to be produced. That all the said persons, except one Richard Atkinson, have been since disbanded by your

Grace's order. That your suppliant, being a very poore man, and having a great charge of small children, not being able to subsist much lesse to take a legall course against them for the recovery of the said money, he therefore humbly craves your Grace, tenderly considering the justness of his cause, his necessitous and deplorable condition, to grant your order that he may receive his mony out of the ten months' pay of those persons who have been disbanded, and out of the ensuing pay of the said Richard Atkinson, who now remaines a member in the army. And he shall pray, etc.

"Dublin Castle, 20 March, 1666[—7].—The Muster-Master Generall, or his Deputy, is to certify us what arreares of pay are due to every of the souldiers within named for the tenn monthes within mentioned; and thereupon we shall signify our further pleasure concerning this matter.—ORMONDE.

"May it please your Grace: I find that there is due and in arreare unto John Eaton and John Peale, as private souldiers in the troope of horse under your Grace's command (formerly the Earle of Kildare's) from the 20th of October, 1661, to the 5th of May, 1662, according to the kalender accompt and present establishment, the summe of thirteen pounds, tenn shillings each, and unto William Wetton and George Lupton, from the said 20th of October, 1661, to the 27th of July, 1662, the summ of nineteen pounds, seaven shillings, out of which two pounds and sixpence being deducted for a cloak, there remaines due to him seaventeen pounds six shillings and sixpence, which I humbly certify to your Grace this 25th day of March 1667.—RICHARD BARRY.

"Dublin Castle, 9th day of May, 1667.—Upon consideration of the foregoing certificate, the Deputy Muster-Master Generall, or his Deputy, shall prepare a warrant or warrants for the payment of the severall arreares by the said certificate appearing to be respectively due to the persons therein named, to be paid unto them when the arreares due to other souldiers of the army for the times in which their said arreares became due, with the deductions in the said certificate mentioned, and present the same to us for our signature.—ORMONDE."

Commissioners for management of Inland Excise of Ireland.—Recovery of Excise duties, for the counties of Galway, Mayo, and Roscommon, from John Groome, gunner, of Galway.—17 May 1667.

John Comerford, "late of Ballybur in the county of Kilkenny."—"That petitioner is become a suitor to your Grace for 200 acres, or thereabouts, mountaine land, being part of your petitioner's former propriety, by denomination, Ballyvran, in the county of Kilkenny, afore-said, formerly allotted to one Captain Moore, who deserted the same long since and went into England, where he still remaines and the said lott still wast, and nothing paid thereout to his Majestie either rent or quitt-rent, or any other dutie. The premises tenderly considered, and for that your petitioner is extreame poore, and not able to subsist or maintaine himselfe or his poore wife and family, who are in a starving condition unlesse releived by your Grace: May it therefore please your Grace, in consideration thereof, to give order that your petitioner may have a custodiam of the said 200 acres for his present releife. And your petitioner, etc.

"Dublin Castle, 21 May 1667.—If the lands desired by the petitioner be in his Majestie's disposall, and not formerly granted to any other, the Barons of his Majestie's Court of Exchequer are to cause a custodiam thereof to be issued to the petitioner, to continue, dureing his Majestie's pleasure, at such rent as they shall hold reasonable.—ORMONDE."

MSS. OF
MARQUIS
OF ORMONDE.

Captain Charles Farrell.—“That upon your petitioner’s application unto his Majestie’s Commissioners of the Court of Claims, they were pleased, in pursuance of his Majestie’s letter of the 12 day of January 1666[–7], directed to your Grace, and by your Grace recommended to the said Commissioners, to certify unto your Grace that George Almery, Adventurer, hath retrenched the lands of Killishin and part of Old Darrick, lying and being in the barony of Slewmary, in the Queen’s County, which are undisposed of in his Majestie’s hands, recommending that the same should be granted in custodiam unto your petitioner untill he be restored to his owne estate, if your Grace shall think so fitt. In tender consideration whereof, and forasmuch as your petitioner is reduced to a sad condition of poverty add no longer able to subsist, if not herein relieved by your Grace: It may therefore please your Grace to grant your order that a custodiam shall be granted unto your petitioner of the said lands, from the time of the said retrenchment. And he, etc.”¹

“Dublin Castle, 31 May 1667.—If the lands which the petitioner desireth in custodiam be in his Majestie’s disposall, and not formerly granted to any other, nor lands which did belong to any person or person’s nominees, the Barrons of his Majestie’s Court of Exchequer are to cause a custodiam thereof to be issued to the petitioner, to continue, during his Majestie’s pleasure, at such rent as they shall hold reasonable.—ORMONDE.”

John Gardiner.—Replication to answer of Sir George St. George, concerning recovery of monies expended by petitioner, as clerk to the Earl of Ossory’s troop; and with reference to his discharge while on furlough.—30 May 1667.

“The petition of the well-affected brethren of the Corporacion of Shooe-makers.”—“That, from the tyme your Grace’s noble ancestors obtained the charter of the said Corporacion, they have through all revolutions, changes, uppon all occasions manifested theire constant fidelity and loyalty to the Crowne of England, and alwayes endeavoured not to admitt into theire confraternitye any person suspected or knowne to be of a contrary inclination or principall. That, notwithstandinge, by the undue practice and great solicitacions of som of the said Corporacion, countenanced and backed therein by others, one James Boy hath beene lately elected to be theire Master for the next ensueing yeare, a person whose refractory and disaffected nature and disposition is such as he is not fitt to be admitted into that imployment; the particulars whereof your petitioners are ready to represent. Your petitioners therefore humbly prayeth your Grace to take such course as the said Corporacion may fix upon some other more capable of that imployment and acceptable to all honest and faithfull subjects, especially to those of the sayd Corporacion; and withall to bee gratusly pleased to take such farther course to free the said Corporacion of such other like principled persons, whose names shalbe presented to your Grace. And your petitioners will pray, etc.

“Exceptions proposed to bee taken against some refractorys and [ill-] principled persons of the confraternitye of the Corporacion of Shooe-makers, who ought not to beare any imployment in a kingly government.

“James Boy, supposed Master for the succedeing yeare, at his Majestie’s restoration to the Crowne, went through all the city desiringe a great many of the cittizens to signe to a paper he then had for to protest against Bishops and theire adherents; which beinge then heard by

¹ See p. 29.

the then Mayor of the citty of Dublin, he gave orders that the said Boy should be disbanded and that the standard, or colours, might be taken from him for that the said Boy was an ancient¹ of a foote company of militia.

"Richard Roe, in the time of the usurped powers, did often in the audience of the people bragg and boast that he was at the robbing and defaceinge of his late Majestie's bed-chamber, and other disaffected persons, in the tyme of the Usurped Powers, in the hall of the said Corporation did burne the King's armes; but the canvas whereon the armes was drawne being by some of the bretheren taken out of the fire, he whoe tooke the same out was imediately sent to gaole, and there continued dureinge the pleasure of the said ill-affected persons."

"Dublin Castle, 14 of June 1667.—The Lord Mayor² and the Recorder of the citty of Dublin are to examine the matters in this petition mencionèd, and to certify us whatt shall appeare unto them therein, and there we shall give such further order as shall be fit.—ORMONDE."

Captain Charles Farrell,³—"That upon your petitioner's application unto his Majestie's Commissioners of Claimes, in performance of his Majestie's letters of the 12 of January 1666[-7], directed to your Grace and by your Grace recommended to the said Commissioners, they were pleased to certify unto your Grace that George Almery, Adventurer, hath retrenched the lands of Killishin and Old Darriek, lying and being in the barrony of Slewmary in the Queen's County, which are undisposed of in his Majesty's hands, as they supposed, recommending that the same should be granted in custodiam unto your petitioner untill he be restored unto his owne estate, if your Grace shall think so fitt. And whereas the premisses were disposed of by custodiam unto Mr. Davills by your Grace's order, so as your petitioner could not obtain the benefit of the said Commissioners' order of recommendation; and whereas your petitioner hath found out other lands undisposed of, now remaining in his Majestie's disposall, as by the annexed certificate of the Sub-Commissioners may appeare: It may therefore please your Grace to grant unto your petitioner by custodiam the lands in the Sub-Commissioners' annexed certificate⁴ mentioned, since the retrenchment thereof, at the yearly rent of three pence per acre English measure, or otherwise as your Grace shall think fitt, until he be restored to his owne, which is the meanest retribution that he could expect for his manyfold services done to his Majestie and to his Royall father of happy memory. This granted, your petitioner will pray, etc."

¹ Ensign.

² John Desmynieres.

³ See p. 28.

⁴ This document contains the following particulars:—

Queen's County, barony of Upper Ossory: The names of "proprietors in 1640" are as follow: Theobald Butler; Morgan Cathin; Ed: FitzPatrick; Jeff: FitzPatrick; John FitzPatrick; William McTeig; Cosnagh Deoran; Teig McShane; Arst: Costigan; Brian McShane; Donogh Oge Keneen.—"Persons' names who retrench": John Short; Margan and Fogge; John Garret, Esquire; Thomas Prior; John Giles; Abraham May; John Humphry; Francis Levelis; Thomas Paul; James Read; Patrick Butterfield; Bartholomew Connor.

King's County, barony of Clonlith: The following are named as "proprietors in 1640": William Carroll; John White; Bennet White; Donogh Carroll.—"Persons' names who retrench": Major John Desbrow; Robert Chaafe; Peter Walker.

At foot is the following certificate: "Upon search made, we do not find any of the particulars in this schedule mentioned to be the propriety of or to be claimed by any nominee; which we certify this 8th June 1667.—John Pettie.—Tho. Taylor."

MSS. OF
MARQUIS
OF ORMONDE.

"Dublin Castle, 19 June, 1667.—If it shall appeare to the Barons of his Majestie's Court of Exchequer that the lands named in the annexed lyst under the hands of John Petty and Thomas Taylor, two of the Sub-Commissioners in the within petition mentioned, dated the 8th day of this month, are in his Majestie's disposall, and not formerly granted in custodiam to any other person, they are to cause a custodiam thereof to be issued to the petitioner, to continue, during his Majestie's pleasure, at such rent as they shall conceive to be reasonable.—ORMONDE."

Richard Roberts.—Recovery of the price of a horse from Lieutenant-Colonel Moses Hill.—4 July 1667.

Patrick, Baron of Dunsany.¹—Custodiam of lands, "retrenched" by "Adventurers," in the county of Cavan, and which formed part of petitioner's "ancient estate."—1 July 1667.

John Groome, Galway.—Licence, for forty days, by Commissioners of Inland Excise, to enable petitioner to appear before them at Dublin, to settle his accounts.—3 July 1667.

Roger Chamberlaine, late saddler to the Duke of Ormonde.—Recovery of debts from members of the Duke's Life-Guard of Horse.—Undated.

Connor O'Connor.—"That the cartron of Clonshaven containing 114 profitable acres, in the parish of Kilkeevan, barony of Ballintober and county of Roscomon, was alwayes in your petitioner's ancestors' possession, untill four acres thereof were given out to Philip Hore, of Kilsallaghan in the county of Dublin, as a transplantable person, and purchased from him by Captain Theophilus Sandford, who, under pretence of those four acres, hath claimed the whole cartron as unprofitable acres, which your petitioner is ready to prove a concealment. He therefore humbly prayeth your Grace will be pleased to give order that a custodiam may be granted unto your petitioner of the said cartron of Clonshaven, excepting the said four acres which were purchased by the said Captain Sandford. And he shall pray, etc.

"Dublin Castle, 23 May 1667.—If the lands which the petitioner desireth in custodiam be in his Majestie's disposal, and not formerly granted to any other, nor lands which did belong to any person or persons Nominees,² the Barons of his Majestie's Court of Exchequer are to cause a custodiam thereof to be issued to the petitioner to continue, during his Majestie's pleasure, at such rent as they shall hold reasonable.—ORMONDE."

Henry Newman.—"That your petitioner hath served in his Majestie's Guard of Battleaxes, under the command of the Honorable Sir Daniel Treswell, about five years, during which time your petitioner hath not been negligent in his duty, neither misbehaved himselfe at any time upon his duty, as is well knowne to his officers. That, a complaint being made to Sir Daniel of words that your suppliant should speak of Alderman Teigh, Alderman Hatfeild, Alderman Hutchinson, Alderman Peter Wybrant, and Alderman Vizard; to this your petitioner makes answer, that, having severall suites of law depending in this city³ of great value, these gentlemen were his great opposers, and by their meanes and procurement your suppliant was cast into prison, seeking and endeavouring for his right, and there begged his bread for a long time, reduced to that misery to expresse [which] he is ashamed. All which your suppliant's wrongs

¹ Patrick Plunket, ninth Baron of Dunsany. See "History of Irish Confederation and War in Ireland, 1641-1643." Dublin: 1882.

² Persons named in the Declaration of Charles II., November, 1660, for the settlement of Ireland.

³ Dublin.

and injuries he can make appear by his proceedings, and that to his loss of 500*l.* sterling, by the meanes aforesaid. Soe it is, may it please your Grace, that for speaking some words, as aforesaid, and for noe other cause, your petitioner is dismiss his employment, this six weeks past, and another in his place, for which he paid 20*l.*, hoping it would be a place for his future livelyhood. Now, most Right Honourable, if the speaking of a few words in your petitioner's passion, and by reason of his former wrongs received, and mind perplexed, be a sufficient cause your suppliant should lose his employment the which he bought, he referreth the consideration of his sad condition to your Grace's most discrete wisdome. The premises most tenderly considered, and in this your suppliant's sad and deplorable condition, he addresseth himselfe for releife wholly unto your Grace, humbly and earnestly praying that he may not only be restored to his employment, but that also that difference in suspense, whereunto the said Aldermen did concerne themselves against your petitioner, may be referred by your Grace to such persons, to take the hearing thereof, as your Grace shall think fitt, and that the said persons forthwith make their report of the premisses unto your Grace, to the end your suppliant may be releived, etc. And your petitioner, as duty bindeth, shall pray, etc.

"Dublin Castle, 27 June 1667.—Let this petition be shewed to Sir Daniel Treswell, who is to certify us what he knoweth of the matter therein mentioned, and the reasons why the petitioner is put out of the Guard of Battleaxes.—ORMONDE."

Robert Case.—Payment of ten months' arrear due to petitioner as one of Colonel Daniel Redman's troop.—6 July 1667.

John Gill.—Complaining that Captain William Draper, after having promised petitioner a Lieutenancy in the Armagh Militia, made him a private; and requesting to be employed under some one else.—8 June 1667.

Geoffrey Browne, a "Nominee."—Possession of lands retrenched by Henry Whaley, Thomas Smith, Colonel Sadler, and Samuel Foxan.—9 July 1667.

Francis Simpson, inn-keeper, Dublin.—Recovery of amount due by Lieutenant William Supple, of Colonel John Jephson's company.—27 June 1667.

Philip Harryes.—Similar petition.—27 June 1667.

John Nixon, executor of Bartholomew Lane, Captain in Major Dennis's company at Wexford.—Recovery of arrears.—16 July 1667.

"The petition of the Carpenter, Wheeler, and Blacksmith of his Majestie's Traine."—"That your petitioners were directed by the Lieutenant of his Majestie's Ordnance to make a marching barricade, to carry six small gunns, which your petitioners did performe according to such instructions as they received from the said Lieutenant of the Ordnance, who also gave your petitioners hopes that so soone as the said ingine was finished they should receive payment for their materialls and worke, which hitherto they cannot obtaine. May it therefore please your Grace to order payment according to the annexed accompt,¹ which hath been perused by the said Lieutenant of the Ordnance, and which your petitioners are ready to declare uppon oath to be the usuall rates of the materials and the artificers' labour. And your petitioners shall ever pray, etc.

¹ Not in the MS.

MSS. OF
MARQUIS
OF ORMONDE.

"Dublin Castle, the 10th of July, 1667.—We pray Sir Robert Byron, Knight, Master of his Majestie's Ordnance, to consider of the petitioner's demands, and to certify us whether he shall finde them to be reasonable, or, if they appeare to be so, to pay the petitioners out of the two hundred pounds lately ordered to be payd unto him by way of imprest.—ORMONDE."

Dr. Anthony French.—"That your petitioner most faithfully and most constantly served as Judge-Advocate to his Majestie's troopes in Flanders, from their first leavying at Bruges untill their being reduced in Dunkirk, notwithstanding infinite toyle, trouble, and hardship that continually attended that employment. That his Majesty was graciously pleased to provide for the most part of the reformed officers of them troopes in severall garrisons of England, your [petitioner] only excepted, being then beyond seas to take his degree in the University, by his Majestie's speciall letter of recommendations. See that he is, and still remains, destitute of all manner of employment and meanes of subsistence, if not relieved by your Grace. And whereas your petitioner discovered some rentrenchments made by the Court of Claymes in the county of Kilkenny, specified in the annexed schedule, and at present in his Majestie's custody and disposall, your petitioner most humbly prayeth that, in consideration of the premises, and for your petitioner's present support, your Grace may be graciously pleased to grant unto the petitioner a custodiam of the said discovered lands, that your petitioner may not be a perishing person of them troopes, for whom his Majestie and your Grace alwayes declared more than ordinarie affection. And your petitioner, as in duty bound, shall ever pray for your eternal felicity, etc.

"Dublin Castle, 18 July 1667.—If the lands which the petitioner desireth in custodiam be in his Majestie's disposall, and not formerly granted to any other, nor lands which did belong to any person or persons that are Nominees by Act of Parliament, the Barons of his Majestie's Court of Exchequer are to cause a custodiam thereof to be issued to the petitioner, to continue dureing his Majestie's pleasure, at such rent as they shall hold reasonable.—ORMONDE.

County Kilkenny, barrony of Gowran.

		A.	R.	P.
Jo[h]n Cantwell.	Closkreggy - - -	388	0	0
Hen. Archer.	Out of Killmogar - -	236	0	0
Fassagh dining Barrony.				
Rob[er]t Shortall.	Out of Ballifruke - -	79	0	0
Rob[er]t Shea.	Out of Drillingstowne -	119	2	26
Tho[mas] Shortall.	Out of Admanstowne -	133	0	27
Peter Rooth.	Out of Peeter Rooth's moyety of Rathelly - - -	196	0	0
Leonard Shortall.	Out of Monybroughteile, alias Monybranthteile - - -	118	1	18
Tho[mas] Shortall.	Out of Balleyne - - -	150	2	0
The same.	Out of Killeshulane - -	226	2	6
Iverk Barrony.				
Foulk Denn.	Out of Ballimacle - - -	82	2	1
Rob[er]t Walsh.	Out of Cloneassy - - -	261	2	26
The same.	Out of Rochelstowne - -	200	0	0
"	Out of the South part of Corloddy -	49	0	0
Peirce Walsh.	Out of Owny - - -	192	0	0
				2432 1 24

John Andrewes.—“That your petitioner, being a souldier belonging to Captain Broughton’s foot company in the Royall regiment under your Grace’s command, about a year last past and upwards being commanded out amongst others towards Kilkenny; and that, upon his march, coming into his quarters, being false sick suddenly and very faint and disconsolate, did desire his landlord that he would cause a chicken or pullett to be made ready for him for his refreshment, and that your petitioner would give any reasonable satisfaction for the same to be done accordingly. Whereupon, your petitioner walked forth into the back side of the said house, where he found great store of poultry of all sorts, soe that he immediately destroyed one of them for his refreshment, as aforesaid. That, suddenly, before he could return back, there came a stranger unknowne to your petitioner, and fell violently upon him with opprobrious words, and struck at him and abused your petitioner in a high degree; soe that your petitioner, being a souldier, could not abrook the same, but was suddenly forced in his owne defence to draw his weapon to defend himselfe. Whereupon his adversary run violently upon the point of your petitioner’s weapon and wounded himselfe to death; soe that your petitioner thereupon was apprehended and tryed for his life, and soe convicted before Judge Povey; who, taking into consideration the condition of the thing, and understanding that the party soe slaine was long before excommunicated and outlawed, the said Judge was graciously pleased to give your petitioner a reprieve for his life. Ever since, a yeare past and upwards, your petitioner hath laine in prison, in the county gaole neere Maryborough, in a sad, miserable, and deplorable condition, being there like to perish unless your Grace’s favor be unto him extended for enlargement. May it therefore please your Grace to take the premisses into your noble, pious, and serious consideration, and to grant him an order for his enlargement out of prison, being ready to starve, and that he may be banished out of this kingdome in such manner and forme as your Grace shall think fitt.

“Dublin Castle, 3 July, 1667.—The Judge before whom the petitioner was tryed is to certify us how the matter for which he stands convicted did appeare upon his tryall, and whether he conceive the petitioner to be an object of his Majestie’s mercy.—ORMONDE.

“May it please your Grace: At Lent assizes held for the Queene’s County the 28th of March, 1666, the petitioner was arraigned before me there for the murder of Edmund McRory at the Graige, in that county, and pleading not guilty, afterwards upon his tryall it appearing that he did kill the man, and that he being provoaked thereunto in some measure by some words and upon some passages then hapning betweene them, noe premeditated malice appearing, he was found guilty of manslaughter only, and afterwards praying his clergy, and the Ordinary returning that he could not read, sentence of death was pronounced against him, but your Grace’s order of reprieve comeing, execution was stayed. All which, in obedience unto your Grace’s within order, I doe in most humble manner certify and submit unto your Grace’s grave judgement, this 3rd day of July, anno Domini, 1667.—J. POVEY.”

“Dublin Castle, 4 July, 1667.—Findeing by the foregoing certificate of Mr. Baron Povey, before whom the petitioner received his tryall, made in pursuance of our order of reference dated the third day of this month, that the petitioner was convicted of manslaughter without the appearance of any premeditated malice, and that not being able to read, sentence of death was pronounced against him, we are pleased and doe hereby order that if any merchant, or other person with good suretye, shall give bond to the Clerk of the Council, to his Majestie’s use, of the

MSS. OF
MARQUIS
OF ORMONDE.

penalty of one hundred pounds sterling, with condition that the petitioner, within six weekes after his enlargement out of the prison wherein he now remaines, shall ship himselfe for the West Indies, and be transported thither, and not returne into this kingdome without the lycence of the Cheife Governor or Governors of this said kingdome for the time being, upon certificate of the said Clerk of the Councel of the giving of such bond, the Sherrieff or gaoler in whose custody the petitioner doth remaine shall set him at liberty.—ORMONDE.”

John Tuthill,¹ Giles Curwin, and others.—“ May it please your Grace : In obedience to your Grace’s pleasure, dated the 8th of August, 1666, in a difference between John Tuthill, Giles Curwin, Darby Byrne, John Spotten, and Richard Donnell, petitioners, and William Dodson, defendant, after divers sommons to each party, at last, both parties and defendants did appeare before me, and then the said William Dodson did declare that the money now claymed by the petitioners for their wages, for worke done at his Majestie’s Parke wall, was in the hands of Mr. James Hallsey, who being then and there present did also declare that such moneys as he had from time to time received from Mr. Dodson he at the same time received order from him to disburse the same to such workemen as were in immediate labour in the said worke, and not to looke back uppon any arreare of worke formerly performed. And the said Hallsey alleageth the said orders from Dodson to be the true reason why the said John Tuthill and the rest of the petitioners were not satisfied their due. But noe orders or direction did appeare in writinge on either side, nor any prooffe other than their owne verbal allegations, each against the other, which could not admit of any agreement or composition of the difference between them for the reasons aforesaid. All which is certified and submitted most humbly to your Grace by your Grace’s most obedient servant,—DUNGANNON.

“ Dublin Castle, 22 July, 1667.—Uppon consideration of the petition of John Tuthill, John Spotten, Giles Curwin, Darby Birne, and Richard Donnell, of the answer of Mr. William Dodson thereunto, both heereunto annexed,² and of the within certifi cate of our very good Lord, the Lord Viscount Dungannon, concerning the matter in the said petition and answe re mentioned, we thinke fit, and doe heereby order, that the said Mr. Dodson, out of such moneys as remaine in his hands uppon account, or, if noe such moneys remaine, then out of such other moneys as he shall receive towards the charges of the wall of his Majestie’s parke,³ neere his Majestie’s house ‘the Phoenix,’ shall pay the petitioners’ the summe of twenty pounds, nine shillings and foure pence, by the annexed certifi cate of Mr. James Hallsey appeareing to be due unto them.—ORMONDE.”

Robert Meller.—Recovery of money due by Henry French, of the horse-guard.—1 August 1667.

John Inglis, “servant to his Grace.”—Recovery of amount due by Ensign John Stoughton for clothes.—24 August 1667.

Mrs. King, widow of Doctor Ralph King.—Custodiam of “retrenched” lands in the county of Kilkenny, in exchange for one in Westmeath.—26 August 1667.

William Tuit, Esq.—Order on petition for custodiam of lands in King’s County and Westmeath, including those in the latter county surrendered by the widow of Dr. King.—26 August 1667.

¹ See pp. 7, 9.

² Not in the MS.

³ Dublin.

Phillip Collice, of Colonel Cecil's company, at Londonderry.—Discharge.—Kilkenny Castle, 21 August 1667.

Winifred Brahan.—Reprieve, to enable her husband, under sentence of death for manslaughter, to prove an alibi.—28 August 1667.

Thomas Butler, and others.—Leave to proceed against Cornet Lewis Jones and William Potter for extortion, unjust appraisement, seizure of corn, cattle, etc.—28 August 1667.

Nicholas Commerford, "a poore prisoner."—"That your poore petitioner, two yeares and a halfe agoe, for some knavery committed (he beeing then but twelve yeares of age) was committed to gaole, tryed and convicted, but, beeing not of any discretion, his execution till now remains respited; but in his long imprisonment hath indured so much hunger, thirst, and disease, that he cannot long live if not by your Grace prevented. It may, therefore, please your Grace, since severall doe offer to take him into service, to commiserate his condition and grant him a pardon in forma pauperis, he haveing nothing wherewith to sue it out. And he will ever pray, etc."

"Kilkenny Castle, 28 August 1667.—The Judges or Judge of Assize, before whom the petitioner received his tryall, are to certify us how the matter for which hee stands convicted did appeare upon his tryal, together with the opinion of such Judges or Judge whether hee be an object of his Majestie's mercy.—ORMONDE.

"May it please your Grace: In obedience to your Grace's order of reference, I doe heereby humbly certify that at the Assizes held in March, 1665, before John Povey, Esquire, one of the Barons of his Majestie's Court of Exchequer in Ireland, I beeing then Mayor and in Commission with him, at which time the petitioner, Nicholas Commerford, was convicted of burglary, and sentence of death pronounced against him, which was respited from Assize to Assize ever since by the Judges, they seeing him of minor age. I doe humbly certify that he was prompted thereunto by others, beeing a very simple and innocent boy, and doe thinke him to be an object of his Majestie's mercy, hoping thereby that he may become a better man. All which is humbly certified by your Grace's most humble and obedient servant.—PETER GOODWIN.

"Kilkenny, the 4 of September, 1667.—If any merchant, or other person with sufficient security, shall give bond to the Clerke of the Councel, of the penalty of one hundred pounds sterling, to his Majestie's use, with condition that the petitioner, within six weekes after he shall be enlarged out of the prison wherein he doth now remaine, shall ship himself for the Bardadoes, and before hee come on shoare againe shall bee landed there, and not returne into this kingdome without lycence of the Chief Governour or Governours heereof for the time beeing in writing, to be first had and obtained, we are pleased and doe order that, upon certificate of the said Clerke of the Councell of the givinge such bond, the Sheriff or gaoler in whose custody the petitioner doth remaine shall sett him at liberty, for doeing whereof this shall be a sufficient warrant.—ORMONDE."

Michael Smith,¹ "Keeper of Sherwood Parke."—"That William Powell, one of the Corporals in the Right Honorable the Earle of Ossory's troop, about foure yeares since beeing in want of a horse for his use in the said troop, and having not money to furnish himselfe, your petitioner at his earnest request bought an able horse for him, which

¹ See p. 66.

MSS. OF
MARQUIS
OF ORMONDE.

cost six pounds ten shillings, whereof the said Powell paid fifty shillings, so there yet remains due to the petitioner foure pounds, for payment whereof the said Powell sent a letter from Dublin to the Clerke of the said troop. But the petitioner haveing not suddenly occasion of coming to Kilkenny to looke after the said debt, the said Powell is since dead, and haveing a considerable summe of money due to him in the said troop your petitioner humbly prayes your Grace's order to Sir George St. George, who commands the said troop, to pay the said summe of foure pounds to your petitioner out of the pay due to the said Powell, there being noe other way for youre petitioner's satisfaction. And your petitioner shall pray, etc.

"Kilkenny, the 4th of September, 1667.—Sir George St. George, Lieutenant of the troop within mentioned, is to examine what was justly due to the petitioner by William Powell within named, and, for what shall appeare to be due, to stopp the same out of the pay of the said Powell, if it shall amount to so much, and pay it to the petitioner for his satisfaction.—ORMONDE."

Thomas Puller, soldier in Captain Cecil's company, Londonderry.—Discharge, on account of ill health.—4 September, 1667.

Lawrence Daly, John Dayly, and Connor Coony.—"That the petitioners have long since been, by your gracious favour and mercy unto them, received into protection. That the petitioners since that time have to the uttermost of their power been industrious to bring to condigne punishment all such fellows as were knowne to the petitioners, the benefitt thereof hath been plentifully great to the severall countyes of Meath, Westmeath, and Longford. That, in regard your petitioners have so violently prosecuted the said fellows, your petitioners have been since prosecuted by the wife of one of the said fellows, who, by your petitioners' evidence and other good proofs, was condemned to dye, and, at length, by the testimony of the said woman, your petitioners were found guilty of the felonious takeing away of fifteen shillings in money, and two shillings in beere, and now lye condemned at Trym. May it therefore please your Grace, in tender commiseration of your petitioners, to grant your petitioners a reprove till the Honorable the Judge of Assizes at Trym doe certify the true state of your petitioners' case. And they shall pray.

"Kilkenny Castle, 7 September 1667.—We are pleased that the execution of the prisoners be respited untill the second day of the next assizes for the county of Meath, whereof the Sheriff of the said county and all others whom it may any way concerne are to take notice. And, in the meane time, the Judges before whom the petitioners received their tryal, or one of them, are to certify us how the matters for which they stand convicted did appeare uppon their trials respectively.—ORMONDE."

Richard Whitehand, shoemaker.—Recovery of debts from Captain Richard Smith, and others, belonging to Sir Francis Foulke's company at Clonmel.—4 September 1667.

Sir William Tichborne, Knight.—"That his Majestie was graciously pleased, by his letters patents under his great seale of England dated at Westminster the 31st day of July in the 12th yeare of his reigne [A.D. 1660], to grant unto Sir Henry Tichborne, Knight, lately deceased (father to your petitioner) the office or place and charge of Marshal of the Army in his Majestie's realme of Ireland, to have, hold, and enjoy the said office during the said Sir Henry's life, and that he should have for his ordinary retinue one trumpeter and thirty horsemen lightly armed, receiveing and takeing yearely, for the exercise of the said office or place, the wages and

dees following, viz., for himselfe 6s. 8d. per diem, 12d. per diem for the said trumpeter, and 12d. per diem for each of the said thirty horsemen, making, in all, per annum £687 8s. 4d. Which several allowances have been paid unto the petitioner's said father, from the date of his patent, by the hands of his Majestie's Vice-Treasurer of this kingdome, unto the last day of March 1667. Now, so it is, that your petitioner, beeing executor unto his said father, made applycation to the Muster Master Generall for a warrant of full pay for what intertainment was due to his said father as Marshal of the Army, according to the allowances mentioned in his patent, from the last of March last to the day of his death,¹ being the last day of July 1667, which the Muster-Master General refuseth to doe, without your Grace's order, by reason the allowances in the Establishment of the military list are not exprest in the same manner as is mentioned in the said patent as followeth: Sir Henry Tichborne, Knight, Marshall of Ireland, for his intertainment at 3s. 4d. per diem, a trumpeter at (*blank*) per diem, and a retinnew of thirty horsemen at 19d. the peece per diem, makeing per annum £489 6s. 7d. And among the temporary payments in the said military list is mentioned Sir Henry Tichborne, Knight, Marshall of Ireland, £198 1 9, both which summes of £489 6 7 and £198 1 9 doe amount on the whole to the said summe of £687 8 4, beeing the total per annum of the said summes granted by the said letters patents to be paid per diem, which said last mentioned summe of £198 1 9 the Muster-Master General saith he can draw noe warrant for, in regard the same is by the Establishment granted per annum, and the said Sir Henry dying before the expiration of the halfe. Now, for as much as the expression of the said summe in that manner in the Establishment gives the same summe to be paid to the said Sir Henry per annum as by the said letters patents is given to be payd him per diem, which makes noe alteration in the total: May it therefore please your Grace to grant your order to the Muster-Master General to prepare a warrant for the payment of what intertainment is due to the said Sir Henry unto the petitioner, from the time of the last payment unto the day of his death, according to both allowances of the Establishment, it appearing cleerely that the said £198 1 9 mentioned in the temporary payment was added to make up the other summe in the Establishment equal to the entertainment granted by his Majestie. And your petitioner shall pray, etc."

"Kilkenny Castle, the 11 of September 1667.—Uppon consideration of this petition, we are pleased and doe order that the petitioner, as executor to his late father, Sir Henry Tichborne, Knight, deceased, shall receive all such intertainments as was due to his said father as Marshall of this kingdome, from his last payment, ending in March last, to the time of his death; and we require the Muster-Master Generall, or his Deputy, to prepare a warrant for payment thereof to the petitioner accordingly, and present the same to us for our signature.—ORMONDE."

Charles Harah, of Lord Kingston's troop.—Removal of check on pay. —10 September 1667.

Robert and Pierce Shortall, "cripples."—Payment of arrears of pension by James Bryan, High Sheriff of the county of Kilkenny, to whom assignment for same had been made.—13 September 1667.

¹ He died at Beaulieu, his house near Drogheda, and was buried in St. Mary's Church in that town. Tichborne was a Lord Justice for Ireland in 1643. Notices of him will be found in "Contemporary History of Affairs in Ireland, 1641-52," Dublin: 1879-81; and in "History of the Irish Confederation and War in Ireland, 1641-43," Dublin: 1882.

MSS. OF
MARQUIS
OF ORMONDE.

John Nichollson.—Permission to serve in his Grace's guard of horse, till something else should offer.—13 September 1667.

Alexander Bence.—Replication to answer of Sir Thomas Harman, Knight, touching illegal imprisonment of petitioner.—16 September 1667.

Thomas Cooke, merchant, Dublin.—Speedy hearing of case relative to vessel called the "Sacrifice of Abraham," sold to petitioner and delivered to Mr. Desmeniere at Galway.—16 September 1667.

Mary Carroll.—Discharge of her husband, Thomas Gillasby, from Colonel Cecil's company at Londonderry.—17 September 1667.

Nicholas Woogan.—Admission to Lord Brabazon's troop.—17 September 1667.

Sir William Tichborne.¹—Arrears due to petitioner's father as Captain of horse.—19 September 1667.

Rebecca Maynwarding, "widow and relict of Dudley Maynwarding,² late Constable of his Majestie's Castle of Dublin."—"That your petitioner's husband had at the time of his death due unto him halfe a yeare's salary as Constable of his Majestie's Castle of Dublin, which remaineth yet unpaid. May it therefore please your Grace to grant an order to the Muster-Master General to draw an order for her satisfaction. And she shall pray, etc.

"Kilkenny Castle, 24 September 1667.—The Muster-Master General, or his Deputy, is to prepare a warrant for paying to the petitioner such intertainment as he shall finde due to her late husband at the time of his death, in such manner as was usual, and present the same unto us for our signature.—ORMONDE."

Lawrence Esmond, Esq.—"That your suppliant stands charged, in the present applottment of a penny per acre, as a restored innocent person, as well for that part of his estate which is yet possesst by the Duke of Albemarle,³ and recovered by Captain Hallsy, being a Protestant, as for the lands recovered by your suppliant by a long and chargeable sute at law; he beeing not restored to any part of his estate by the Court of Claimes, and therefore, as he humbly conceives, not lyable thereunto, and, if he were, he stands over-charged, according to the proportion of 38,000 acres, having in his possession but 1,000 acres. And whereas the Earle of Ossory's troop is assigned on him, for part thereof, in the county of Catherlogh; Sir Nicholas Armorer, for part, in the county of Wexford; Colonel Hammond, in the county of Wicklow; and Colonel Dillon, in the county of Tipperary: May it therefore please your Grace to order the said assignments to be recalled and your suppliant exonerated of the said charge. And he will pray, etc.

"Kilkenny Castle, the 23d of October 1667.—Upon consideration of the above petition, we are pleased and doe heereby order that John Bence and Alexander Bence, Esquires, or their Deputy or Deputyes, to whom our warrant concerning the 3*d*. per acre was directed, shall suspend the execution thereof as to the petitioner's estate until we shall give further order therein.—ORMONDE."

¹ See p. 77.

² He was appointed to the office in 1644, and was succeeded by Sir John Stephens, in 1660.

³ George Monk.

Edward,¹ Lord Viscount Galmoy.—“That your petitioner stands charged with £50 9 2 for his proportion of the present applotment of 3*d.* per acre, as for 12,110 acres in the county of Kilkenny, whereout he enjoys noe more than 6,090 acres, which comes to about £25, according to a penny per acre, the rest of the lands decreed unto him beeing enjoyed by his uncle and others. May it therefore please your Grace to order that the overplus of the said charge be levied off the present possessor of the said lands, whereby your petitioner may not be charged for more than he really enjoys.—And he, etc.

“Kilkenny Castle, 24 October 1667.—Upon consideration of this petition, we are pleased that the summe due from the petitioner, according to the number of acres by him owned to be in his possession, be accepted, and the remainder of the mony charged upon him suspended untill upon examination it shall appeare what hee ought to pay. And we require John Bence and Alexander Bence, Esquires, or their Deputy or Deputyes, to take notice heereof and to suspend so much as the petitioner alleges to be over-charged accordingly, till further order.—ORMONDE.”

Henry Stotesbury, Lieutenant, of Kilkenny.—Praying that the Vice-President of Connaught may be ordered to hear case concerning collection of money by petitioner and William Brook for building a bridge in Galway; and that the order for petitioner's arrest, in connexion with that matter, may be rescinded.—24 October 1667.

Margaret Butler, widow.—“That there are some of the Earle of Ossory's troop now assigned on your petitioner, for £23 : 6 : 11 towards the payment of £5000 to Colonel Milce Power, and such other uses as your Grace and the Councill shall then thinke fit, by virtue of a proviso in the Act of Settlement, page 114; and that your petitioner's jointure, beeing but 2129 acres, is charged within lesse than three pounds of the full three pence per acre, which falls very heavy upon your poore petitioner, haveing not above five hundred acres of the said joynture inhabited, the rest lying wast, beeing barren mountaine lands, not worth six pence an acre yearly. May it therefore please your Grace to mitigate the said heavy charge imposed upon your petitioner and install the payment, beeing reduced to so lowe a condition, by reason of several other incumbrances upon her and the unprofitableness of her joynture, that she is utterly disabled to pay it, and several other Innocents² not now charged with above a penny per acre, whose lands are much more advantageous than your petitioner's. And she will pray, etc.

“Kilkenny Castle, 25 October, 1667.—John Bence and Alexander Bence, Esquires, are heereby required to respite the levying of any summe upon the within petitioner's estate until it shall appeare what she ought of right to pay, and all officers and souldiers, who are assigned upon the said estate, are required upon sight heereof to withdraw off the said petitioner's estate without giving her any disturbance or molestation.—ORMONDE.”

Tirlogh Byrne.—“That Mr. Ramsey and Harry Brereton employed your petitioner upon service against Tories³ and theeves, either of them

¹ Edward Butler. See “Contemporary History of Affairs in Ireland, 1641–52.” Dublin: 1879–81, vol. iii., p. 419.

² This term was applied to persons who obtained decrees of “Innocence” under the Court of Claims.

³ See Ninth Report of this Commission, Part. ii., 1884, pp. 129, 149.

MSS. OF
MARQUIS
OF ORMONDE.

promising him a Corporal of horse his meanes during their commission. And, now so it is, may it please your Grace, that your petitioner provided himselfe a good horse and armes and faithfully served in the capacity aforesaid. Neverthesse, there remains six moneths pay due to your petitioner, the said Mr. Ramsey and Mr. Brereton having received money to make satisfaction to your petitioner and the rest that served with him. In tender consideration whereof, that it may please your Grace to require the said Christopher Ramsey and Harry Brereton to make your petitioner undelayed satisfaction, otherwise forthwith to appeare before your Grace and shew cause to the contrary. And your petitioner, etc.

“Kilkenny Castle, 30 October, 1667.—Christopher Ramsey and Henry Bruerton (*sic*) above named are required forthwith to shew us cause in writing why the petitioner was not paid the allowance by them promised unto him for the service in this petition mentioned.—ORMONDE.”

Patrick Colclough.—Recall of assignment on foot of three pence per acre, which was to be levied off petitioner's estate.—30 October 1667.

Christopher Power, merchant, Henry Burgerys, Giles Burgerys, and Thomas Waldron, of Loughrea, in the county of Galway.—Recovery of amount due for goods by soldiers of the troop of the Earl of Drogheda.—12 November 1667.

“The Portreive, Burgesses, and inhabitants of the Corporation of Wicklow.”—“That, since his Majestie's happy restauration to his kingdomes, there hath been made by the inhabitants of the said Corporation many considerable improvements and severall manufactures in a good measure begun, whereby the poore of the towne and country receive a good benefit, besides the advantage which may in time accrew to the kingdome; and have likewise with all alacrity shewed their obedience to the government. But so it is, may it please your Grace, that the inhabitants of the said Corporation are very much impoverished by reason of the many debts owing to them by the souldiers of Captain Maynvaring Hammond's company, who are in garrison in his Majestie's Castle of Wicklow, the said Captaine detaining a great part of the pay of his said company ever since he came to garrison there, being about three yeares, and inlists severall into his Company who receive no pay but protection against their debts, rescuing several goods that have been legally attached in the said Corporation, and quartering by his owne authority his souldiers without taking notice of the magistrate or civill officer, and being friendly desired to prevent the outrages and violences committed by several debauched persons of the Company who not onely by day but especially by night leave their guards to abuse the inhabitants of the said place; the which he refused to do, but rather encourages them therein.

“Now, in regard your petitioners have been very unwilling to make this theire addresse to your Grace, but have for a long time rather endeavoured by all friendly meanes with the said Captaine Hammond for satisfying the said debts and preventing the said disorders, and all proveing ineffectual; they therefore in all humility beseech your Grace out of your wonted clemency to take their distressed condition into your serious consideration, and that your Grace would be pleased to order the said Captaine Hammond to make his defence to the contents of this petition, the which, with other misdemeanours, are more particularly comprized in the annexed articles, which the petitioners herewith humbly offer to your Grace, and are ready to make good against him; to which end they humbly pray that summons may be granted them for the bringing in their several witnesses, as well those of his owne Company as

others, and that a day certaine (as to your Grace shall seem meet) may be appointed to make out the allegations of these their grievances. And they as in duty bound will pray, etc.

Henry Boswell.	W[illia]m Hayward.	Anth[ony] Sampson.
Rich[ar]d Smith.	J. Boys.	Nich[olas] White.
Tho[mas] Pratt.	Jo. Banks.	John Mawman.
Edw[ar]d Goodwin.	W[illia]m White.	Nich[olas] Addison.
Westood Grely.	Nich[olas] Hinchelsea.	John Keyes.
John Lindly.	John Vice.	Tho[mas] Wayt.
John Holbert.	Tho[mas] Henshaw.	John Sicklemore.
Ja[mes] Owles.	Will[iam] Surr.	John King.
W[illia]m Mawman.	Trist Flower.	Ja[mes] Stanley.
Abrah[am] Gealle.	Rich[ard] Peppard.	Chri. Mawman.
John Davis.	W[illia]m Warren.	Roger Sethby.
Stephen North.	John Chapman.	Richard Lock.

"Dublin Castle, 18 November 1667.—We require Colonel Manwaring Hammond, within fourteen dayes after sight or notice hereof, to make answer in writeing to this petition and the articles thereunto annexed. —ORMONDE.

"Articles exhibited against Captain Manwaring Hammond, now in garrison in his Majestie's Castle of Wicklow:

"1.—That the said Captain Hammond, haveing constantly received pay for his Company, with the rest of his Majestie's standing army in Ireland, doth notwithstanding detain a great part of the same from many of his said Company, and some haveing not received any pay for some yeares past, to the ruine of some of his Majestie's poore souldiers and to the great damage of the inhabitants both of the towne and country to whome they are become much indebted.

"2.—That the said Captaine doth force several of those under his command to compound for and take under-rates, commonly called halfe-pay, being lesse than his Majestie's allowance.

"3.—That the said Captain hath by his owne authority turned out some of his said Company that have refused to compound for lesse than the King's pay, and refuseth to pay them what is due to them.

"4.—That it is the constant contrivance and practice of the said Captaine to make false musters, by bringing men to appeare to answer to other men's names.

"5.—That the said Captaine hath by his owne authority turned out some of his Company because they would not answer at the muster by a wrong name and refuseth to pay what is due to them.

"6.—That the said Captaine doth by his owne authority turne out severall out of his said Company and inlists persons who have their residence far from the said garrison, who appeare only at muster dayes.

"7.—That the said Captaine doth, to the very great dishonour of his Majestie and the great damage both of the towne and country, inlist such persons into his said Company who receive little or no pay or other compensation save protection against their debts.

"8.—That the duty of the said Captain's Company is performed by four or five files onely, and his Majestie's Castle and garrison secured every night onely with a file of men.

"9.—That the said Captain refuseth to take due course with several under his command, who come off from their guards in the night season, and commit many violences upon the inhabitants of the said Corporacion and their goods, although he hath been acquainted therewith and satisfaction desired in a friendly way.

MSS. OF
MARQUIS
OF ORMONDE.

"10.—That the said Captain doth infringe the priviledges of the said Corporation by rescuing several goods which have been legally attached there, and in quartering by his owne authority his souldiers, refusing to owne the magistrate, or any civil officer of the said Corporation in the doing thereof."

Edward, Viscount Conway, and Sir Thomas Worshipp, Knight.—Leave to proceed against Sir Moses Hill, for recovery of money due by his father, Arthur Hill, deceased.—20 November 1667.

Cornets Michael Stanley and Rowland Thomas.—Discharge from quit-rents accruing out of lands in Tipperary.—19 November 1667.

Charles Collis, Captain.—Composition for ten months arrears of pay as Lieutenant in Captain Garrett Moore's Company.—19 November 1667.

John Masters, Thomas Hinshaw, John Stockdell, Oliver Mann, John Stockes, R. Marchman, John Bishop, and Thomas Rogers, lately of Captain Manwaring Hammond's foot company quartered in Wicklow Castle.—Recovery of arrears of pay, and compensation for having been discharged without cause.—18 November 1667.

Margaret Richardson, widow of Gilbert Richardson.—Praying that the warrant for payment of arrears due to the late Samuel Atkinson, of Colonel Vere Cromwell's troop, and by him assigned to petitioner, may be satisfied.—20 November 1667.

Charles Maylie and Edward Brochey.——"That your petitioners have this tearm been found guilty for takeing Colonel Little's money, but as yet have not received their sentence. That your petitioners by bad company have been drawne into vices which with hearty sorrowfulness they now repent of. That there is a ship now in this harbour ready to set sayle for the West Indies. They therefore beseech your Grace's mercy that they may be transported in the said vessel for the said place, where they hope to amend their lives, and for the future to serve God, their King and country better. And they shall pray, etc."

"Dublin Castle, 25 May 1666.—The Justices before whom the petitioners were tryed are to certify us how the matter for which they stand convicted did appeare upon their tryal, with their opinion whether they conceive the petitioners to be objects of his Majestie's mercy, and to the end the petitioners may have time to sollicite the report of the said Judges therein, their execution is to be respited until the first day of the next terme; whereof all his Majestie's officers and ministers whom it may concerne are to take due notice.—ORMONDE.

"May the 30th 1666.—May it please your Grace.—The petitioners were indicted for the burglarious breaking and entring the dwelling house of Francis Little, and stealing thereout seven silver spoones, and other goods of a great value; upon their tryals they were found guilty and judgment of death was given against them. Notwithstanding, they being very young, we conceive that they are fit objects of his Majestie's mercy; which is humbly submitted to your Grace's consideration.—SANTRY.—WIL. ASTON.—THO. STOCKTON.

"Dublin Castle, 23 June, 1666.—Upon consideration of the foregoing certificate of our very good Lord, the Lord Baron of Santry, Lord Chiefe Justice, and the rest of the Justices of his Majestie's Court of Chiefe Place, made in pursuance of our within order of reference dated the 25 day of May last, we are pleased to extend his Majestie's mercy to the petitioners, Charles Maley and Edward Brochey, for the fact in the said certificate mentioned, and we require his Majestie's Attorney and Solicitor General, or either of them, to draw up a fiant in due forme

of law conteyning a grant of his Majestie's gracious pardon unto the said Charles Maley and Edward Brochey for the fact in the said certificate mentioned, inserting therein all such clauses and provisoes as in grants of like nature are usual, and the same fairly ingrossed in parchment under their or either of their hands, to send unto us to be further passed as appertaineth, and for so doeing this shall be a sufficient warrant.—ORMONDE."

Margaret Bambridge, widow.—Recovery of arrears due to petitioner's husband as Sergeant in Captain Richard Lowther's company.—16 November 1667.

Sir Anthony Morgan.—Recovery of amount due by Sir Authur Chichester.—14 November 1667.

John Spencer, Colonel.—In relation to bill of Exchange drawn by Commissioners of Excise on John Groome, of Galway, and passed to petitioner in discharge of his arrears of pay.—25 November 1667.

Lawrence Moore, merchant, Loughrea, co. Galway.—Recovery of amount due by members of the Earl of Drogheda's troop for goods supplied by petitioner and Sarah Hasloe.—25 November 1667.

Henry Bridgman, Major.—Compensation for ten months' arrears of pay as Quarter-Master to Lord Aungier's troop.—28 November 1667.

Lucina Homes.—"That your petitioner's husband the last summer was brought before your Grace to answer some words alleaged against him, upon which hee was by your Grace referred to the next Judges of Assize to be held for the county of Wicklow, where hee was convict[ed] and fined in one hundred pounds, and being unable to pay it hath since continued in gaole. And so it is that your petitioner's meanes is wasted by her husband's expence in prison and for want of his care at home, soe that she knoweth not how to mainteine herself and children, haveing not sufficient of her owne and liveing in a strange country, at a very great distance from her friends, so that she and her children, who are left to the benevolence of strangers, susteine sorrow and want more than widow and orphans, while she is ministring to her distressed husband who lyeth in gaole at your Grace's dispose: May it therefore please your Grace to consider the sad condition of your petitioner, and to restore her husband, which only will make up her losse and recover her children from famishing, the petitioner presuming that what her husband hath already suffered may be in your Grace's understanding sufficient punishment for his demerit, humbly praying your Grace's clemency and mercy in setting him at liberty. And your petitioner shall as in duty bound, etc.

"Dublin Castle, the 31st of January 1666[-7].—The Judge of Assize, before whom the petitioner's husband received his tryall for the matter above mentioned, is to certify us how the same did appeare upon his tryal, together with his opinion what he shall conceive fit to be done in the request of this petition, and thereupon we shall signify our further pleasure.—ORMONDE.

"May it please your Grace: The petitioner's husband being indicted at the last Assizes at Wicklow for speaking seditious words, vizt., that one Hall and King were very unwise to take such an oath, (meaneing the Oath of Supremacie,) and that they had sworne to they knew not what, for that by that oath they were bound, if the King should goe to masse to-morrow, to doe soe too. And, at the same Assizes, comeing upon his tryall hee did not much deny the words, but did insist upon it that he spoke them in another sense than the ordinary acceptation.

MSS. OF
MARQUIS
OF ORMONDE.

But, upon the evidence of the said Hall and King, the jury found him guilty, and thereupon he was fined £100 and ordered to finde sureties for his good behaviour, and he was committed for the fine and until that security should be given, and for the same hath layen in prison ever since, being neere six moneths; and if your Grace shall thinke him an object of mercy, we humbly conceive it will be most agreeable to rules of law that your Grace be pleased to recommend him to the Commissioners of Reducement to reduce the said fine. All which, in obedience to your Grace's within written order, we doe in most humble manner certify and submit unto your Grace's great judgement, the 18 of February 1666[-7].—Jo. BYSSE.—J. POVEY.

“Dublin Castle, 29 November 1667.—Upon consideration of the annexed petition of Lucina Homes, wife of William Homes, and the certifi cate of our very good Lord, the Lord Chief Baron and John Povey, Esquire, one of the Barons of his Majestie's Court of Exchequer, the Judges of Assize before whom the said William Homes was tried, bearing date the 18th of February, 1666[-7], and made in pursuance of our order of reference given on the petition of the said Lucina the 31 of January, 1666[-7], we are pleased, as to the fine imposed on the said William Homes, to recommend him to his Majestie's Commissioners for Reducement of Fines, for such reducement as they shall conceive to bee fit, and when the said fine shall be so reduced and paid or secured as the said Commissioners shall finde cause to direct, the said William Homes is to be set at liberty, he first giving security for the good behaviour, as by the said Judges of Assize was ordered; whereof the officers whom it may concerne are to take notice.—ORMONDE.”

Timothy Michelburne.—“That your petitioner some time since tooke a lease of part of a house adjoining to Katharine Numan's in Damas street [Dublin], of which lease there is certaine time yet to come. That Ralph Billingsley, one of your Grace's servants, layeth clayme to part of the petitioner's holding, which occasioneth so great controversy that he cannot dispose of his part till cleared. That the petitioner hath often desired to refer the said difference to counsell, which he [Ralph] deneyeth, or to appeare and answere your petitioner's suit in regard of his priviledge. May it, therefore, please your Grace to order the said Billingsley either to refer the same, or that the petitioner may have lycence to take his remedy against him at Common Law for recovery of his right. And he shall pray, etc.”

“Dublin Castle, 29 November, 1667.—We are pleased heereby to leave the petitioner at liberty to take his legal remedy against Ralph Billingsley above named, notwithstanding any priviledge hee may pretend as being our servant.—ORMONDE.”

Erasmus Smith,¹ Esq.—“That your petitioner, amongst other lands, hath granted unto him, by certifi cate of his Majestie's Commissioners for executeing the Acts of Settlement and Explanation of the same, the towne and lands of Milltowne, lying in the barrony of Ferrard and county of Lowth. That he hath passed letters patents for the said lands accordingly, and hath discharged the said lands from all other rents except the rents reserved to his Majestie by the said letters patents. Yet, soe it is, may it please your Grace, that one Mr. Bence hath charged five pounds, foure shillings, and six pence, on the said lands, pretending the same to be due by the Act of Explanation, page 114, for the Irish agents,² which charge your petitioner is not at all lyable unto. Your

¹ See Ninth Report of this Commission, 1884, Part I., pp. 133, 143, 156.

² See p. 16.

petitioner therefore humbly prays your Grace to give order to the said Mr. Bence for recalling the said charge, which is by him assigned to Sir Robert Byron's company, who lye upon your petitioner's tenants to the said land, to their ruine unlesse releived by your Grace. And he shall, etc."

"Dublin Castle the 30th of November 1667.—John Bence and Alexander Bence, Esquires, are heereby required to respit the levyng of the above summe of five pounds, foure shillings, and six pence, on the lands in this petition mentioned, until we shall give further order concerning the same; and the souldiers, to whome the said summe is assigned, are required upon sight hereof to withdraw from the said lands without geiving any further disturbance to his tenants.—ORMONDE."

Peter Walker, "clarke to the Right Honorable the Earle of Ossory his troope."—"That, about foure moneths since, your petitioner received assignments for part of six moneths' pay for the said troop, part of which assignments proved insolvent and were returned to Sir Daniel Bellingham.¹ Since which severall applycations hath been made to him for the remaining part of the said six moneths' pay, being about £500; yet he deferrs the payment thereof to the great prejudice of the said troop. May it therefore please your Grace to order the said Sir Daniell Bellingham to make your petitioner speedy payment of what remains unsatisfyed of the said six moneths' pay. And he, etc."

"Dublin Castle, 30 November, 1667. — Sir Daniel Bellingham, Knight and Baronet, Deputy Vice-Treasurer and Receiver General in this kingdom, is to take in the assignment above mentioned and to pay the moneys thereby assigned to the Earle of Ossory's troop, or to issue such solvent assignments as they may receive speedy satisfaction.—ORMONDE."

George Stoughton, merchant.—Recovery of amount due, on foot of a bond, by Robert Reading, of the Guards, and his wife, Dowager Countess of Mountrath.²—3 December 1667.

Arthur Chichester, Earl of Donegal.—Permission to proceed against Colonel John Gordon.—4 December 1667.

Thomas Williams and Robert Clarke.—Praying that the case between petitioners and Captain William Hamilton, referred to the Lord President or Vice-President of Connaught, may be heard near Galway.—4 December 1667.

Peirce Lloyd.—Recovery of debt from Sir William King, Captain of a foot company in Limerick.—4 December 1667.

Samuel Burdett.—"That your petitioner's wife before intermarriage did let unto one Thomas Homes a house and back-side in St. Stephen's street, Dublin, for the terme of 31 yeares, paying therefor the summe of £6 15 0 quarterly for the first three quarters, and £4 5 0 quarterly for the remainder of the said terme. That the said Mr. Homes after he had lived in the said house three quarters of a yeare or thereabouts, conveyed his goods away and left the house without geiving your petitioner satisfaction. Now, soe it is, that the said Mr. Homes being a soldier in the Right Honourable the Lord of Kingston's troope, and now attending in this city for orders, your petitioner cannot have remedy against him at the Common Law, without lycence first obteyued from your Grace. The petitioner therefore humbly prayeth your

¹ See p. 2.

² Jane, daughter of Sir Robert Hannay, widow of Sir Charles Coote, first Earl of Mountrath, who died in 1661.

MSS. OF
MARQUIS
OF ORMONDE.

Grace's order whereby your petitioner may have remedy against the said Thomas Homes at the Common Law, notwithstanding his military employment. And the petitioner, etc.

"Dublin Castle, 4 December, 1667.—We pray our very good Lord, the Lord Baron of Kingston, Lord President of the Province of Conaght to examine this matter, and of what he shall find due to the petitioner by Thomas Homes within named to cause satisfaction to be made by the said Homes out of the next intertainment that is or shall be due to the said Homes as one of the horse troope under his Lordship's command.—ORMONDE."

Francis, Viscount Shannon.—Recal of acquittance passed for two months' arrears due to his troop, on Jonas Walker and other Farmers of Excise for the county of Cork.—6 December 1667.

Same petitioner.—Same subject.—6 December 1667.

Thomas Allen, Thomas Barton, Edward Conry, Walter Poure.—Benefit of muster (full pay) for period during which petitioners were in attendance on their Captain, Viscount Charlemount, on his removal from Connaught to Ulster.—6 December 1667.

Donough O'Heyry.—Pardon, in forma pauperis, for homicide; with certificate.—14 December 1667.

John Partridge, of Maryborough, Queen's County.—Payment for entertainment of Lord Brabazon's troop.—16 December 1667.

Lawrence Daily,¹ John Daily, and Connor Coony.—"That your petitioners were received into his Majestie's protection and have done very good service to his Majestie and people, in bringing many notorious malefactors unto condigne punishment, for which they have been maligned by their countrymen, in so much as that your petitioners were at the last Assizes at Trim condemned to dye for the pretended robbing of fifteen shillings, and that upon the false testimony only of two witnesses neerely allyed to some of the persons brought by your petitioners to justice for their notorious crimes. The premisses considered, and in regard your petitioners have noe hope of liveing quietly amongst their countrymen, for the reasons aforesaid, they most humbly pray your Grace to grant unto them his Majestie's pardon, to be passed without fees, in regard of their extreme poverty. And they shall ever pray, etc.

"Dublin Castle, 16 December 1667. — Being satisfied by Sir Theophilus Jones, Knight, one of his Majestie's Privy Councill in this kingdome, that the petitioners have done such services as are mentioned in this petition, we are pleased to extend his Majestie's mercy unto them for all past offences by them joyntly or severally committed (except murder by their or any of their owne hands or procurement committed or done) and doe heereby require his Majestie's Attorney and Solicitor General, or either of them, to draw up a fiant in due forme of law, conteyning a grant of such his Majestie's pardon unto the petitioners and every of them, inserting therein all such clauses and provisos as in like cases are usuall. And, being alsoe satisfied concerning the poverty of the petitioners, we are pleased that the said pardon shall passe in forma pauperis; whereof all his Majestie's officers whom it may concerne are to take notice. And we are also pleased, and doe heereby order, that when the said pardon shall be passed under the great seale, the petitioners shall be set at liberty, they first giving bond to

¹ See p. 46.

the Sherriff of the county of Meath, to his Majestie's use, of the penalty of three hundred pounds, sterling, with condition that, within foure moneths after they shall be set at liberty out of the restraint under which they now are, they shall ship themselves aboard some vessel bound for the Barbadoes, or some other part of America, Flanders, or France, and be landed there and not returne into this kingdome without the lycence of the Chief Governor or Governors here in writinge be first obtained.—ORMONDE."

Thomas Plunkett, of Telltowne.—"That your petitioner was received into his Majestie's protection by your Grace's order of the 9th of March, 1666.—That since he has apprehended several notorious robbers and thieves which were sent to the gaoles of Tyrone and Meath by which meanes the county hath been much quieted. That your petitioner, haveing wife and children, is very desirous to live peaceably, and ready and willing to give security for so doeing. The premisses considered, your petitioner most humbly begs your Grace's vouchsafing him his Majestie's pardon. And he, etc.

"Dublin Castle, 16 December, 1667.—Being satisfied by Sir Theophilus Jones, Knight, one of his Majestie's Privy Councell in this kingdome (who, by virtue of our orders given unto him, did imploy the petitioner doeing service against robbers and thieves), that the petitioner hath done such services as thereby hee hath meritted his Majestie's gracious pardon for all offences by him committed before the date heereof (except murder by his owne hands or procurement committed or done): We heereby require his Majestie's Attorney and Solicitor General or either of them to draw up a fiant in due forme of law, conteyning a grant of his Majestie's pardon unto the petitioner, and therein to insert a clause or provisoe that, before the said pardon shall passe the great seale, the petitioner shall give sufficient security heereafter to be of the good behaviour and all such other provisoes and clauses as in like cases are usuall, and the same fairly ingrossed in parchement under your hand to send unto us, to be further passed as appertaineth, for which this shall be your sufficient warrant.—ORMONDE."

William Hamilton, Esquire.—"That your petitioner is concerned for himself and several others in several lots of the officers who served his Majestie in Ireland before the 5 day of June, 1649, some of which lots are fallen in Kingsale,¹ some in Corke, and others in the countyes of Longford, Leitrim, and Tyrone. That your petitioner hath not had time to settle either his owne or the concerns of those other persons who have intrusted him in any of those lots, so as his owne and their whole interest is still unsettled. That your petitioner is informed that he is appointed to be Sherrife of the county of Longford for the insuing yeare, being at least threescore miles from his dwelling. The premisses considered, and forasmuch as your petitioner's affaires are as yet in a distracted and unsettled condition, and that to divert him from the settling of them by that employment (at so great a distance from the place of his abroad) will prove to the very great prejudice not onely of himselfe, but also of those other persons for whom he is concerned: May it therefore please your Grace to appoint some other fit person to be Sherrife of the said county for this yeare, and your petitioner hopeth that by that time he may have so settled his affaires as that he will be ready to serve his Majestie in that or any other employment. And your petitioner shall pray, etc."

¹ Kinsale, in the county of Cork.

MSS. OF
MARQUIS
OF ORMONDE.

"Dublin Castle, 18 Dec., 1667.—Mr. Justice Booth, who went Judge of Assize the last circuit for the county of Longford, is to informe himselfe and certify us what other person than the petitioner he shall conceive fit to serve Sherrife of that county for the yeare insuing.—ORMONDE."

Thomas Browne.—Recovery of amount due on bond by Robert Reading, of the Guards.—18 December.

Christopher Power and others.—Report and order on petition for recovery of amount due by soldiers of the troop of the Earl of Drogheda.—20 December 1667.

Colonel George Walters.—"That he having a most just cause of complaint against Colonel Robert Manley, Governor of the Fort of Bantry, for the usurping of the petitioner's estate, he petitioned your Grace for reliefe therein, or lycence to arrest his person for that he had not lands or goods to be executed. Your petitioner also further sheweth that he had articles of high crimes, misdemeanors, and breach of trust, against the said Manley, put into his hands by some of the inhabitants of the barony of Bantry, which, after several commands and importunities, he likewise exhibited to your Grace in behalfe of the King and the said inhabitants. All which your Grace was pleased to refer in September, 1666, to the Lord President of Munster, who accordingly appointed and required all persons to appeare, etc. And, in obedience thereunto, your petitioner, with more than twenty witnesses, on the King's and his owne part, by two journeys of almost 240 mile, and the expence of fifty pounds sterling, attended his Lordship, who only heard and received some proofes and depositions on behalfe of the King against the said Colonel Manley (which, by what reason he knows not, after 15 moneths' time are now remitted back to your Grace), but as to your petitioner's particular complaint, his Lordship would not heare it at all, but referred him to the law, provided he did not molest his person. And, in the interim, the said Manley was gone for England, and, as he himselfe hath given out and is morally supposed, will not returne. Wherefore, your petitioner humbly prayeth your Grace to declare your judgment on the said articles so proved for publique satisfaction, whereby it is supposed he will be left incapable of any protection by his imployment, or to give him liberty to arrest the said Manley's person in England or elsewhere, notwithstanding any military capacity, or that he may impeach him to the King or the Parliament of England, where he is resolved to pursue him with your Grace's permission, his cause being very great in quality and quantity, he beeing able to prove to be dampnified by him many thousand pounds, and that his entry and continuance upon your petitioner's estate was above and beyond law, and he humbly conceives not to be determined or relieved by the ordinary courts of law but by the supreme power. And he will ever pray, etc."

"Dublin Castle, 20 December, 1667.—As to that part of this petition by which lycence is desired to sue Colonel Robert Manley, we hereby leave the petitioner at liberty to take his remedy against the said Robert Manley, by such legal wayes as he shall think fit notwithstanding any legal capacity which he hath in this kingdome."

Officers and soldiers of Lieutenant-Colonel Moses Hill's troop, lately under the command of the Duke of Albemarle.—Payment of arrears consequent on insolvency of assignments on Lieutenant Jo: Parke, farmer of Excise, co. Down.—20 December 1667.

Colonel Manwaring Hamond, garrisoned at Wicklow.—Answer to petition¹ of the Portreeve of Wicklow, for recovery of amount due for goods.—11 December 1667.

Portreeve, etc. of Wicklow.—Replication to preceding answer of Colonel Hammond.—21 December 1667.

John Suilemore, Portreeve of Wicklow, etc.—Leave to prosecute Colonel Hamond and Serjeant Nicholas Vicars for having assaulted Tristram Flowers, a burgess of Wicklow.—26 December 1667.

Thomas, Lord Viscount Dillon.³—“That his Majestie was gratusly pleased, as a mark of his favour and bounty to your petitioner, to declare that he would release and remit unto him and his heires all such part of his quit-rents as hath been imposed by the late Acts of Settlement of Ireland, or either of them, on his estate, which shall appeare to exceed the proportions of the rents and services wherewith his said estate was charged at or before the yeare 1641, and upon certificate from the Auditor-General of Ireland what rents and services were paid by your petitioner for his said estate, at or before the yeare 1641, and what new rents were since added thereunto by vertue of the late Acts of Settlement, his Majestie in Councel did order that either in England or Ireland (where your petitioner shall thinke fit to passe the same) a grant be prepared for release of the said new rents. Whereof your Grace and others are to take notice that such orders and warrants as are necessary for that may be prepared, as by his Majestie's said order hereunto annexed² may more at large appeare. Your petitioner therefore most humbly prayeth your Grace to give order unto the Auditor-General to give unto your petitioner a certificate of the old rents due out of your petitioner's estate at or before 1641, and what rents have been since added, in order to the passing of his patent pursuant to his Majestie's gracious instructions. And he will ever pray, etc.

“Dublin Castle, 2 January, 1667[8].—His Majestie's Auditor-Generall, or his Deputy, is hereby required forthwith to give unto the petitioner such a certificate as by this petition is desired, the petitioner paying such fees as are justly due for the same.—ORMONDE.”

Judith Meyler, widow, executrix of Nicholas Meyler,⁴ “late Chaplain to his Grace.”—Recovery of amount due, under bond, by Richard Fox, of Lord Roscommon's troop.—4 January 1667-8.

Samuel Rock, William Morgan, Aune Amor, James Morris, and Arthur Pickel.—Recovery, from Deputy Receiver-General, of amount of severall warrants issued.—7 January 1667-8.

Arthur, Viscount Ranelagh.—Leave to take proceedings against Sir Oliver St. George.—7 January 1667-8.

Farmers of Excise.—Recovery of license duty from soldiers and inhabitants of Dublin.—18 December 1667.

Sir Jerome Alexander,⁵ Knight.—“That John Willson, a souldier in your Grace's foote-guarde, hath unjustly entred upon certaine lands of your petitioner's in the county of Westmeath. That he hath endeavoured to corrupt your petitioner's tenants of the said lands to deliver him up the possession thereof, contrary to law. That he hath scandalised your petitioner and his title to the said lands. Therefore, he humbly prayer your Grace's lycence that he may proceed against him at law for his remedy. And he shall pray, etc.

¹ See p. 40.

² Not in the MS.

^{3, 5} See Ninth Report of this Commission, Part ii., 1884, pp. 135, 134.

⁴ Chancellor of diocese of Ossory, 1626-1665.

MSS. OF
MARQUIS
OF ORMONDE.

"Dublin Castle, 15 January, 1667[8].—We are pleased hereby to leave the petitioner at liberty to take his remedy by due course of law against John Willson above named, notwithstanding his military capacity.—ORMONDE."

Thomas Gray, and Anne, his wife.—Recovery of amount due to petitioners, as administrators to Robert Nicholson, deceased, by Captain Gilbert Rawson, Quarter-Master of the guards.—15 January 1667-8.

Nicholas Copley.—Recovery of debt from Sir Robert Walsh, of the guards.—15 January 1667-8.

William Read, Samuel Moore, Thomas Crowley, Gabriel Willson, and Thomas Flewellin, soldiers of the garrison at Waterford.—For passes to that garrison, petitioners having served at sea.—22 January 1667-8.

Michael Lissenton.—Praying to be sent to serve with his former company at Athlone, having returned from sea.—22 January 1667-8.

Gyles Goodwin, goldsmith, Dublin.—Recovery from Captain Maurice Berkeley of fine for lease of premises in Castle-street, Dublin, and costs in connexion with ejectment.—22 January 1667-8.

Gerrard Archbold.—Recovery of amount due by Patrick Tuedy, of Sir Oliver St. George's troop, for hay, supplied while petitioner was innkeeper at Dublin.—22 January 1667-8.

Sarah Roberts, widow, Dublin.—Praying that Ensign Stoughton, Captain of the guard, may be tried by court-martial for having liberated Edward Butler, charged with the murder of her husband.—25 January 1667-8.

Daniel Hutchinson, Alderman.—Recovery of purchase-money of lands near Kilmainham, in the county of Dublin, from Sir John Temple, Solicitor-General.—25 January 1667-8.

James Ware,¹ Esquire, Auditor-General.—"That on Saturday night last your petitioner's daughter and only child was by the subtilty or force of some person stole and carryed away your petitioner knowes not whither. Whereupon your petitioner inquired into all parts where he did suppose she might be carryed, but could not finde her. He therefore most humbly begs your Grace to grant unto him six horsemen of the commanded men attending here for orders, who may be assistant unto him in his further search after his said daughter, and the rather for that he beleeves she is under a force. And he shall pray, etc.

"Dublin Castle, the 28th of January 1667[-8].—The officer commanding the horse-guard is to send an officer with six of the men attending here for orders with the petitioner, or whom he shall appoint, to inquire for the petitioner's daughter, and, finding her under any force, to bring her back to her father.—ORMONDE."²

William Salter, a disbanded soldier of Sir William Neal's troop.—Arrears.—28 January 1667-8.

Theobald [Taaffe], Earl of Carlingford.—"That his Majestie was graciously pleased, as a marke of his favor and bounty to your petitioner, to declare that he would release and remit unto him and his heires all such part of his quit-rents as shall be imposed by the late Acts of Settlement on his estate, which shall appear to exceed the rents and services thereon

¹ Sir James Ware, the Irish historiographer, died in December, 1666, and was succeeded in the office of Auditor-General by his son, James Ware, above-mentioned.

² See p. 75.

charged at or before the yeare 1641. and what new rents were since added thereunto by the said Acts his Majestie in Councel did order that a grant be prepared for release of the same. Your petitioner therefore humbly prayeth your Grace's order to the Auditor-General to give your petitioner a certificate of the old rents due out of his estate at or before 1641, and what rents have been since added in order to the passing of his patent pursuant to his Majestie's gracious intentions. And he, etc."

"Dublin Castle, 27 January 1667[-8].—His Majestie's Auditor-General, or his Deputy, is hereby required forthwith to give unto the petitioner such a certificate as by this petition is desired, the petitioners paying such fees as are justly due for the same.—ORMONDE."

Thomas Gippes.—Recovery of amount due by William, Lord Brabazon.—20 January 1667-8.

Edward Bathorne, of the Earl of Ossory's troop.—Leave of absence, his brother, Harvey Bathorne, to take his place.—27 January 1667-8.

John Keating.—Recovery of debt from Robert FitzGerald, Lieutenant to Lord Shannon's troop.—31 January 1667-8.

Joseph Ruthorne against John Rogers, of the guard.—Order on petition for leave to sue Rogers.—29 January 1667-8.

Ann Cooper, "a poore prisoner in Newgate."—"That your petitioner was tryed Michaelmas terme, 1666, for a fact of felony, and being found guilty received sentence of death, yet your Grace was pleased to grant your petitioner a pardon, which lyeth in Sir William Domville's¹ office for a fiant to be drawne. Now, so it is, may it please your Grace, that your petitioner is a stranger in the country and hath noe relations nor freinds to procure mony for passeing the said pardon, so that she may perish unless by your Grace pyttied. May it therefore please your Grace to grant your order that the petitioner may passe the said pardon in forma pauperis. And your petitioner will pray."

"Memorandum: Made oath before me, that she is not worth five pound in worldly substance this present day. Jurat. coram me, 25^o die Januarii 1667[-8].—DUB[LEY] LOFTUS.

"Dublin Castle, 29 January 1667[-8].—Uppon consideration of this petition and affidavit, we are pleased that the petitioner's pardon shall passe in forma pauperis, whereof all his Majestie's officers whome the same may concerne are to take notice.—ORMONDE."

Robert Rayner, farmer, of Ballyscorney, co. Dublin.—Recovery of costs, incurred in Common Pleas and Exchequer in connection with claim for horse, from "one Mr. John Evans, one of the consort of musick attending his Grace."—29 January 1667-8.

Thomas Walding.—Recovery of debt from Edward Bolton, of Colonel Cary Dillon's troop.—1 February 1667-8.

John Léy.—Recovery of amount due by soldiers.—3 February 1667-8.

Norris Cave, Lieutenant to Captain John Morton's company.—Recovery of amount due to petitioner and Ensign Harraway by Sir James Middleton, late Captain of that company.—6 February 1667-8.

John Preston, Alderman, Dublin.—Recovery of debt from Sir Oliver St. George.—6 February 1667-8.

William Fallon, prisoner in Newgate, Dublin.—Commutation of sentence of death, or pardon.—7 February 1667-8.

¹ Attorney-General, Ireland.

MSS. OF
MARQUIS
OF ORMONDE.

John Morgan, of Killeolgan.—“That your petitioner together with Captain John Bramston, Governor of Athlone, and Captain James Hamilton, was appointed by Commission to value and returne the lands in the countyes of Gallway, Roscommon, and Sligo as they were set in the yeare 1659. That your Grace and the Lords of the Councell gave them the allowance, for their charges and paines therein, of two hundred and forty pounds sterling, the one moyety whereof was paid before the entring upon the execution of the said Commission, and the other moyetie was to be satisfied upon returne of the said Commission and duly perfecting and executing thereof. That returne of the said Commission was duly made, as by the Commission was required. Yet, so it is, may it please your Grace, that Mr. Henry Brereton, who was appointed to receive the monys appointed for defraying the allowances granted for that service, haveing received orders to satisfy the said Captain Bramston, Captain Hamilton, and your petitioner the remaining £120, after perclosing their worke, detaineth in his hands the summe of four score pounds sterling, that is to say, £40 due to the said Captain Hamilton, and forty pounds due to your petitioner, upon pretence of some challenge that Captain Robert Morgan made to the same as a Commissioner, and refuseth to pay the same to your petitioner, notwithstanding the said Robert Morgan by writing under his hand hath desired the said Mr. Brereton to pay the same to your petitioner, and the said Captain Hamilton haveing likewise assigned your petitioner to receive the same, the said Mr. Brereton, designing, as your petitioner hath cause to beleve, to convert the said moneys wholly to his owne use: May it therefore please your Grace by your orders to command the said Mr. Brereton forthwith to make payment of the said summe of foure score pounds to your petitioner. And he, etc.

“Dublin Castle, 7 February, 1667[–8].—The within named Henry Brereton is hereby required forthwith to make answeare in writing to this petition, and to shew cause (if any he can) why he should not satisfy the moneys thereby desired.—ORMONDE.”

Richard Power.—“That Sir Robert Walsh, Knight, is indebted to your petitioner in £320 by bond, but by reason of his military capacity utterly refuseth to give your petitioner satisfaction, to his great damage. May it therefore please your Grace to lycence your petitioner to take his legal remedy against the said Sir Robert Walsh. And your petitioner, etc.”

“Dublin Castle, the 8 of February, 1667[–8].—If Sir Robert Walsh shall not give the petitioner satisfaction concerning his demand above mentioned within one moneth after sight or notice hereof, the petitioner is left to take his legal remedy against the said Sir Robert Walsh, notwithstanding any priviledge he may pretend unto as one of the army.—ORMONDE.”

Robert Bowyer.—“That the petitioner (after his great charges by reason of several petitions, orders, references, reports, and certifiycates) obtained your Grace's order for £34 to be satisfied unto him for his interest in some of the lands taken into his Majestie's Parke,¹ which was valued at £2 5 10 per annum. Now, may it please your Grace likewise to grant your petitioner an order for the rent of his part of the land, according to the valuation for five years past, as also an order to his Majestie's Attorney-General to take a conveyance of your petitioner's interest to his Majestie, which otherwise he will not. And your suppliant, etc.”

¹ Dublin.

“Dublin Castle, 7 February, 1667[-8].—His Majestie’s Attorney or Solicitor General is to prepare such an instrument as shall be fit for the petitioner to seale for the passeing his interest of the lands above mentioned unto his Majestie, and to see that the same be duly perfected and inrolled in the Rolls of his Majestie’s High Court of Chancery, and upon his certifycate thereof we shall give our further order.—ORMONDE.”

William Dodson.—“That your petitioner being employed in the several workes in and about his Majestie’s Deare Parke at the Phœnix, according to your Grace’s appointment, and having paid for the said several workes upwards of £1000 more than is by him received but cannot be adjusted until his account is fully drawne up; and that on the 2nd of August last your Grace and Councel were pleased to refer the account to the Lord Chief Baron of his Majestie’s Court of Exchequer, the Master of the Rolls, Mr. Secretary, or any two of them, to consider thereof, and thereupon sent for the Auditor and gave him directions to draw up the said whole account that they might further consider thereof. But the Auditor refuseth to take any further Account than for what money hath been already received, for that your Grace and Councel hath been pleased, by your general order, dated the 9 day of January last, to that purpose so to direct, and that your petitioner’s account cannot be fully taken until your Grace’s further order for the doeing thereof, by which he suffers very great damage therein. He therefore humbly prayes your Grace would be pleased to order the said Auditor to take his whole account, by which your Grace may know what remaines justly due to him; and that your Grace would be pleased to grant your warrant for the aforesaid summe or such part thereof as your Grace thinketh meet to supply his great present want. And your petitioner, etc.”

“Dublin Castle, 11 February, 1667[-8].—We are pleased that our very good Lord, the Lord Viscount Dungannon, be added unto and joyned with the other persons within mentioned, to whose consideration the petitioner’s account was referred, and that they proceed according to such former order as hath been given concerning the same, and make report of what shall appeare unto them with all convenient speed.—ORMONDE.”

Richard Brooking.—Recovery of debt from Arthur Rowland, of Lord Grandison’s troop.—11 February 1667-8.

Joshua Rowlandson.—Recovery of debt from Cornet William Fortescue, of the troop of the Earl of Drogheda.—11 February 1667-8.

William Knight.—Recovery of amount due by Sir Theophilus Jones, Colonel Carey Dillon, Colonel Francis Willoughby, Sir Toby Pontz [Poyntz], Colonel Humphry Barrow, and Sir Hans Hamilton.—12 February, 1667-8.

Lord Netterville’s¹ brothers and sisters.—Exemption from the three pence per acre assessment.—11 February, 1667-8.

William Lysle.—Recovery of debt from John Dancer, of the Life Guard.—13 February 1667-8.

Henry, Christopher, Richard, and Luke Betagh, etc.—“That, by virtue of your Grace’s warrant and a clause in the Explanatory Act, page 114, an assignment is issued for a penny, part of three pence per acre on the lands of your petitioners in the county of Meath. That your petitioners

¹ Nicholas third Viscount Netterville.

MSS. OF
MARQUIS
OF ORMONDE.

had a decree in the late Court of Claims only for portions out of the worse part of the estate of Patrick Betagh late of Moynalty in the said county of Meath, which is but coarse mountainous ground hardly worth three pence per acre, and yields them but a very inconsiderable rent, upon which they are not able to subsist. That the most and best of the said lands are decreed to your petitioners only in remainder after the death of their father; so that unless they are releved by your Grace, your petitioners will be utterly ruined. Your petitioners humbly pray your Grace's order to Mr. Bence, Receiver of the said moneys, requiring him to forbear assessing any summe upon the said lands untill the truth of your petitioners allegations may be examined by whom your Grace shall think fitt. And your petitioners, etc.

"Dublin Castle, 14 February, 1667[-8].—Mr. Alexander Bence, within named, and all others whom it may concerne, are to take care that noe more of the moneys within mentioned be leavyed or assessed upon the lands within mentioned than by the Act of Parliament for the raying the moneys of that kinde is warranted.—ORMONDE."

Lawrence Moore, merchant, Loughrea, co. Galway.—Report and order respecting amount due for goods supplied to the troop of the Earl of Drogheda by petitioner and Sarah Haslow.—18 February, 1667-8.

Mary FitzGerald.—Release from detention on board ship.—19 February 1667-8.

William Egleston.—Praying for dismissal from Colonel Heyward St. Leger's company at Kinsale.—19 February 1667-8.

Richard Carney.—"That your petitioner hath made and erected one dyal over the Castle stables and another brasse dyal for the Castle, the charge whereof doth amount to five pounds sterling. Your petitioner humbly prayes your Grace to order some way for his satisfaction. And he, etc.

"Dublin Castle, 28 January, 1667[-8].—Thomas Page, Esquire, one of our Secretaries, is to pay the petitioner the above mentioned summe of five pounds, and place the same to our account.—ORMONDE."

Edward Iwells.—Recovery of amount due by Cornet John Buckworth.—19 February 1667-8.

Thomas Purcell, "of the Earle of Ossory's troop of horse."—"That your petitioner hath been in his Majestie's service abroad, under the command of Colonel Grace,¹ and since his Majestie's happy Restoration and your Grace's arrival in this country hath served in the Earle of Ossory's troop, and your petitioner being imployed in the country and cannot without his great disadvantage attend his place in the army, prayes your Grace's order to be discharged out of the said troop and to receive his arrears in course with the rest of the said troop. And your petitioner, etc."

"Dublin Castle, 29 January, 1667 [-8].—We are pleased that the petitioner be discharged out of the troop within mentioned, and that he shall receive such pay as is due unto him, with the rest of that troop; whereof all officers whom it may concerne are to take notice.—ORMONDE."

Peter Warde, brewer.—Recovery of amount due by Captain Edward Hoyle, of Lord Annesley's troop, Captain John Harrington, of the "Battle-axes," etc.—21 February 1667-8.

¹ For notices of Colonel Richard Grace, see "Contemporary History of Affairs in Ireland," Dublin: 1879-81, vol. iii., p. 420.

William Barry.—Recovery of amount due for “strong beere” by William Gay, of the Battle-Axe guard.—25 February 1667–8.

John Mandeville.—Praying for protection for three months, to enable him to bring in and prosecute more malefactors; and complaining that his house had been broken into, and documents destroyed.—26 February 1667–8.

Ann Langrish.—Recovery of debts from Captain Harrington, of the Battle-Axes, and others.—25 February 1667–8.

Henry Verschoyle.—Recovery of debt from Robert Douglas, of Sir Charles Hamilton’s troop.—14 February 1667–8.

William Carroll.—“That your petitioner hath been at several times and at several Assizes in the King and Queene’s Counties, as also in the county of Tippetary, prosecuting of several persons by him bound over for relieving and harbouring of proclaimed Tories and theeves. That your petitioner being at the last Assizes, held at Phillipstowne, ready to prosecute some malefactors there, one of them, haveing noe other defence for his life, swore that your petitioner committed robbery in the county of Tippetary. Upon which your petitioner was sent to Tippetary, and there tryed and found guilty, and had suffered for the same but that his Majestie had indemnified him of all former crimes, murther excepted. But your petitioner is bound to appeare at the next Assizes for the county of Tippetary, where it is requisite he should have your Grace’s pardon to produce. And forasmuch as he hath many other persons to prosecute this next Assizes in the King’s and Queene’s counties, and will not have sufficient time to come back for the said pardon: May it therefore please your Grace to order that your petitioner’s pardon may be dispatched, the annexed certeficate setting forth what service your petitioner hath done, being employed therein by Sir Theophilus Jones, etc.”

“Dublin Castle, 19 March 1667[–8].—Having thought fit, upon the certeficate of Sir Theophilus Jones, Knight, the 5th of March, 1666 [–7], to give the order, the copy whereof is hereunto annexed, for his Majestie’s pardon to be passed to the petitioner in manner as is thereby expressed, we are now pleased that the execution of the judgement given against the petitioner at the Assizes held for the regalities and liberty of Tipperary for the fact for which the petitioner hath been there convicted, be respited for the space of one moneth from this day, whereof all persons whome it may concerne are to take notice; and in the meane time the Judges before whom the petitioner was there tryed are to certify us how the matter against him did appear upon his tryal, with their opinion whether they conceive him to be an object of mercy.—ORMONDE.”

William Bartlett and John Head, Sergeants in the company of the Duke of Albemarle.—Restoration to their former position, notwithstanding proceedings taken against them for assault, etc., by Mr. Dodson.—12 March 1667–8.

Captain Richard Smith, Captain Randolph Taylor, Ensign Robert Meredith, and Ensign Garret Foulke.—“That the officers and souldiers of the foote companies, to which your petitioners belong, commanded by Sir Francis Foulke and Captaine John Boteler and guarrisoned in the towne of Clonmel, have, till of late, been furnished by the inhabitants of the said towne with convenient lodgings and quarters; some of the inhabitants finding lodgings, and others, in the suburbs and elsewhere giving certaine allowances by their owne agreements and consents to several of the officers and souldiers to provide and pay for their owne

MSS. OF
MARQUIS
OF ORMONDE.

quarters and accommodation where they thought most convenient. But now, may it please your Grace, Richard Hamerton, Edward Batte, Anthony Lawrence, George Collett, and William Vaughan, able inhabitants of the said towne, refuse to quarter or pay the allowances for quartering by them contracted for, as formerly, but by their examples and instigation have caused the several other persons under named to doe the like and obstinately to persist therein; by which meanes many of the souldiers are altogether destitute of lodgings and quarter, being turned out of those they formerly hyred for want of payment of the allowances contracted for and forced to lye on the guard when they have done their duty, to the great inconvenience of the poore souldiers. For reliefe wherein the petitioners haveing in a faire way often applyed themselves to the Mayor of the said towne without any effect or redresse, they are forced most humbly to pray that your Grace will be pleased to take the premisses into consideration, and give such order therein as your Grace in your great wisdom shall thinke fit. And your petitioners shall pray, etc.

“Persons who refuse to quarter, etc.:—Nathaniel Care.—Walter Branock.—John Walters.—Thomas Donogh.—Thomas Dudy.—Theobald Butler.—Catt. Clavaine.—James Lonergan.—Donnogh Hickey.—Thomas Burke.—John Chasey.—Edmond Connell.—John Caffé.—Walter Duewell.—John Kennedy.—Edward Pursell.—Darby Daniell.—Richard Beats.—James Morony.—John Berman.—Thomas Poore.—William Nicholson.—Robert Kelley.—Teige Kerey.—James Rony.—Edward Hogan.—Daniel Ganey.—Teige Conor.—Edm. Magher.—Jonas Foster.—William Lane.—Thomas Butler.—Geo. Sarlock.—John Prist.—Daniel Mallaghan.—Nicho. Gadon.—Edw. Hogane.—John Waller.—Symon Connell.—Ph. Cox.—Tho. Laghy.—Morris Eustas.—Ellen Newman.—Jeffrey Raine.—John Kelley.—John Meade.—Darby Donnell.—John Shaw.

“Kilkenny Castle, the 14th of March, 1667[–8].—Richard Hamerton, Edward Batte, Anthony Lawrence, George Collett, and William Vaughan, named in the within petition, are forthwith to provide convenient and fitting quarters for the officers and souldiers who were appointed to quarter on them respectively, or to pay the allowances by them contracted to be paid to such officers and souldiers in lieu of quarters; and in case of refusal they are required personally to appeare before us at Dublin on the five and twentieth day of March, instant, and shew cause to the contrary, whereof the said persons are not to faile.—ORMONDE.”

Henry Harraway, ensign in Captain John Moreton's company.—Reimbursement of money paid to soldiers by order of Sir James Middleton, late Captain of that company.—13 March 1667–8.

Morris Fitz Gerald:—Leave to proceed against George Jaques, of Colonel Dillon's troop, for having prevented petitioner from exercising his rights in connexion with lands held by him for one year.—10 March, 1667–8.

Henry Thewer.—“That about two years since your petitioner tooke to his apprentice for foure yeares, to instruct in the quality of a trumpeter, one David Drummond, for whose faithful service to your petitioner, according to indentures between them, Sir James Middleton became bound to your petitioner in 100*l*. That your petitioner haveing instructed the said David Drummond to be a sufficient field trumpet when he had served but about three quarters of a yeare he rann away from your petitioner into Scotland, and, as your petitioner is informed,

is with Captain Middleton, the said Sir James his brother, who coming over hither to receive the dues of the said Sir James, did receive all except his pay, which is not yet issued out of the Treasury, and at his being at Kilkenny, promised, if your petitioner would goe with him to Dublin, to give some reasonable satisfaction to your petitioner for his damage in the said apprentice's forsakeing his service, and to take up the said bond. But, by your petitioner's duty being to attend your Grace, and the said Captain Middleton, upon his going to Dublin, presently going over to Scotland, your petitioner is left without any remedy upon the said bond, unlesse he may be recompenced, by your Grace's order, out of the pay of the said Sir James Middleton unissued. The premises considered, your petitioner most humbly prayes your Grace to refer the cause to the Right Honourable the Lord Dungannon, (to whom the debt due to Lieutenant Norris Cane from the said Sir James Middleton was referred by your Grace,) to examine the truth of your petitioner's allegations, and thereupon to award such reasonable satisfaction to your petitioner upon the said bond, to be had out of the said Sir James his pay yet unissued, as to his Lordship shall seem just and fit. And your petitioner, etc.

"Dublin Castle, 8 January, 1667[-8].—We pray our very good Lord, the Lord Viscount Dungannon, calling before him the parties whom this matter doth concerne, or their agents, to examine the same, and hearing what can be offered on both sides to end the difference by consent (if he can), or else to certify us the true state thereof.—ORMONDE.

"6 March, 1667[-8].—"May it please your Grace: In obedience to your Grace's commands upon the within petition, I did call the several parties before me, and upon examination I doe finde that thirty pounds was to have been given to the petitioner by Sir James Middleton, and that for the teaching of a trumpeter. But, Sir James Middleton being dead, it appeares that Mr. Andrew Middleton did offer the petitioner ten pounds for to bee freed from the said petitioner's demands, who in my judgment ought to have twenty pounds for the recompense due to him for the losse of his apprentice, as in such case is usual; all which is submitted to your Grace's pleasure most humbly by your Grace's most obedient service.—DUNGANNON.

"Kilkenny Castle, 9th March, 1667[-8].—Upon consideration of the foregoing certifiacte of our very good Lord, the Lord Viscount Dungannon, Field Marshal of his Majestie's army in this kingdome, we are pleased and doe hereby order, that his Majestie's Vice-Treasurer, or his Deputy, out of any moneys now remaining in his hands of the pay due to Sir James Middleton, knight, deceased, shall satisfy to the petitioner the summe of twenty pounds sterling mentioned in the said certifiacte, in satisfaction of his demands for the matter in his petition specified. And this, with the petitioner's receipt for the same, shall be to the said Vice-Treasurer, or his Deputy, a discharge for so much.—ORMONDE."

Richard Else.—Recovery of amount due by officers and soldiers.—19 March, 1667-8.

Archibald Campbell, Attorney for Captain Middleton.—Leave to sue Captain Cave, who had taken out letters of administration to Sir James Middleton and Captain Moreton, on account of portion of Middleton's pay.—14 February, 1667-8.

Colonel Maynwaring Hammond, Governor of the town and castle of Wicklow.—That the Advocate-General of the Army may be ordered

MSS. OF
MARQUIS
OF ORMONDE.

to certify as to the substance of depositions made against petitioner by disbanded soldiers.—25 March, 1668.

Richard [Nugent], Earl of Westmeath.—“That one Henry Nugent, who had the setting and letting of the petitioner's lands these three yeares past and more, and had the receipt of his rents for that time, is in restraint in the Marshallsie of the Foure Courts, these six weekes, for a fine of five hundred pounds imposed on him in the Court of Common Pleas. That the petitioner is like to suffer very much for want of the personal presence of the said Henry Nugent in the country for six weekes time, within which time all accompts between the petitioner and his tenants may be ascertained, which otherwise cannot be effected. He therefore most humbly beseecheth your Grace to direct the Marshall of the Foure Courts to accept sufficient baile for the rendering of his person in restraint where now he is, before the end of the next terme, and to afforde him liberty for that time. And the petitioner will pray, etc.

“Dublin Castle, 26 March, 1668.—If Henry Nugent within named be not in restraint for any other cause than is within sett forth, and shall give recognizance before Mr. Justice Booth,¹ one of the Justices, of the penalty of one thousand pounds sterling, conditioned that within six weekes after his enlargement he shall returne into the custody of the Marshal in whose custody he now remaines, the said Marshal shall set him at liberty in the meane time.—ORMONDE.

“This order was called in againe and cancelled by his Grace, and the entry is now vacat.”—28 March, 1668.

Margaret Lloyd, widow of Sergeant John Lloyd, of Colonel Hammond's company.—Recovery of arrears due to petitioner's late husband.—26 March 1668.

Randal Burrowes, of Sir William Tichborne's troop, stationed at Ardee, in the county of Louth.—Discharge, and payment of all outstanding arrears.—27 March 1668.

Richard Hamerton, Edward Batty, William Vaughan, Anthony Lawrence, and George Collett, of Clonmel.—Application for copy of complaint, upon which a former order had been obtained, respecting quarters for Captain Richard Foulke's company garrisoned in Clonmel; and praying that the matter in dispute may be investigated in or near that town.—27 March 1668.

Alexander Aicken, of the city of Dublin, merchant.—“That your petitioner was heretofore charged with the quartering of two private souldiers, and that since the late ordering of souldiers' quarters within this cittie, Captain Hungerford is quartered upon your petitioner, and also two souldiers, ordered for quarters upon him, as before. That Captain Hungerford hath the best roome in your petitioner's house for his quarters, his two servants another, and the two souldiers ordered upon him as heretofore. In which your petitioner, conceiving himselfe oppressed, hath several times addressed himselfe to the Lord Mayor and Sherriffs of this cittie, from whom he gets noe releife. Now, may it please your Grace, for that your petitioner, as others of this cittie, expected rather easement than a greater burthen by the late course taken about quarters, and for that Captain Hungerford, being sufficiently sensible of your petitioner's being injured, would willingly be removed, if the said Lord Mayor and Sheriffs would appoint him other quarters, which they refuse or otherwise delay to doe, [to] your petitioner's great

¹ Sir Robert Booth, Justice of the Common Pleas, Ireland.

damage. And for that your petitioner is herein altogether remedysse, save only if your Grace will be pleased to order the said Mayor and Sherriffs to appoint other quarters for Captain Hungerford, your petitioner haveing two souldiers quartered upon him, as before. And he will pray, etc.

“Dublin Castle, the 28 of March 1668.—The Lord Mayor and Sheriffs of the cittie of Dublin are to informe themselves concerning the truth of the petitioner’s allegations, and, finding the same to be true, to give order that Captaine Hungerford be removed from the petitioner’s house and that fit and convenient quarters be appointed for him elsewhere.—ORMONDE.”

Francis Nicholas.—Payment of arrears due to petitioner for service in the troop of the Earl of Donegal.—18 March 1667–8.

Sir Nicholas Armorer, Knight.—“That, about five moneths’ since, your petitioner bought of the Lords Commissioners of Prizes a ship called the ‘Fortune of the Sea,’ with all her lading (except cordage and plancks, which were reserved for his Majestie’s service), and accordingly your petitioner hath long since paid for the same, his bonds haveing been threatened to be sued. But so it is, may it please your Grace, that the said plancks are not taken out of the ship, nor the goods yet delivered to your petitioner, by which meanes he hath lost not only the voyage intended for the ship, but also the sale of the goods and great expences and charges of seamen to looke after her. So that by her long lying out of your petitioner’s right possession, her cables and rigging are become all rotten. By reason whereof in the last violent storme the said ship was driven ashoare, and much broken and damaged, and the getting her off and her repaire hath and will cost your petitioner a very considerable summe of money. Wherefore your petitioner humbly prays that your Grace will be pleased to order that the planckes aboard the said ship may be immediately taken ashore, and that he may have full possession of his said ship and goods, and that he may have a cable, some cordage, and so much planckes as will refit the ship and make her in the condition she was [when] he bought her, and that he may have some allowance for his extraordinary expences occasioned as aforesaid. And he shall ever pray.

“Dublin Castle, 26 February 1667[–8].—We refer this matter to the Lord Commissioners for Prizes in this kingdome, who are desired to do therein what they shall conceive to be fit.—ORMONDE.”

Philip Ferneley, Esq.—“That your petitioner was appointed receiver of the 23,500*l.* granted by Act of Parliament to bee by him issued to the severall uses therein expressed; that Captain Henry Brenn beeing appointed high Collector to receive the summe of 673*l.* 13*s.* 6*d.* charged on the county of Kildare as its proportion of the aforesaid moneys whereof the said Captaine Brenn hath paid the summe of 606*l.* 14*s.* 8*d.* soe there remains in his hands the summe of 66*l.* 18*s.* 10*d.* as may also appeare by the said Captaine Brenn’s owne accompt which summe hee hitherto neglected to pay to your petitioner in pursuance of the said act, although hee hath been oftentimes requested thereunto but still delays the same in regard of his priviledge as a member of the army. May it therefore please your Grace to require the said Captain Brenn to make present payment to your petitioner of the said moneys or otherwise that your Grace will be pleased to lycense your petitioner to take his legall course at law against him. And hee shall pray, etc.”

“Dublin Castle, 1st Aprill 1668.—Captain Henry Brenn is to give the petitioner satisfaction concerning the matter above mentioned or else to

MSS. OF
MARQUIS
OF ORMONDE.

shew us cause in writing (if any hee can) why the petitioner should not bee at liberty to take his remedy against him by due course of law notwithstanding his military capacity.—ORMONDE."

Robert Bowyer.—Petition, with order, 2 April 1668.—This petition and order are in similar terms to those at page 52, under date of 7 February, 1667–8.

John Boyt and Robert Dodson, Commissioners for granting beer and ale licenses in Dublin.—Praying that horse soldiers may be included in the proclamation issued with regard to the sale of beer and ale by foot soldiers.—1 April 1668.

William Hawkins and Periam Poole, "in behalfe of the Adventurers for lands in Ireland."—"That the said Adventurers have obtained an order from the Parliament of England (copy whereof is heereunto annexed),¹ whereby they and the persons imployed by them have liberty given them to have recourse from time to time to the bookes and papers concerning the said Adventurers in his Majestie's Councel in England, as also to take out copies of the records of the Court of Claymes in this kingdome, or any other Court of record in Ireland. But so it is, may it please your Grace, that Mr. Mathew Barry² hath refused to give copies of any orders or letters relateing to the proceedings of the Court of Claymes without your Grace's leave first had and obteyned, notwithstanding your petitioners are speedily to produce such copies at the bar of the House of Commons the 13th of this instant April. Wherefore, your petitioners humbly pray your Grace's speedy order to the Clerk of the Councel to give your petitioners liberty to examine such entryes of orders and letters as they shall thinke fit, and to have them attested by the Clerke of the Councel. And they shall pray, etc.

"A particular of the papers humbly desired, viz. :

"A copy of the late Commissioners' Adresse in July or August, 1663, giving an account of what they had done and did intend to doe as Commissioners.

"The Lord Lieutenant and Counsel's advice to the Commissioners to spend some of their remaining time to reprice Protestants.

"Copy of a letter to Secretary Bennet from the Lord Lieutenant and Counsel, dated the 25th of June 1663.

"Copy of a letter from Secretary Bennet, dated the 25th of July 1663. Counsel's order thereuppon, dated the 1st of August, 1663, whereon copies of the letters were sent to the Commissioners.

"An adresse from the Commissioners of Claymes to the said Lord Lieutenant and Counsel, dated the 25th of June, 1663, concerning repriceals.

"An adresse from the Commissioners to the Lord Lieutenant, dated 15th July, 1663, concerning repriceals.

"An account from the Commissioners of Claymes of their proceedings, dated the 5th of August, 1663.

"Upon consideration had of the within petition, we doe hereby thinke and order that the petitioners have copies of the several letters and orders above mentioned, whereof the Clerke of the Councel is to take notice, for which this shall be his warrant. Dated at his Majestie's Castle of Dublin, the 4th of April, 1668.—ORMONDE."

Sir Arthur Forbes.³—Payment of amount due to one Cormuck, a soldier in petitioner's troop.—3 April, 1668.

¹ Not in the MS.

² Clerk of the Council, Dublin.

³ Created Earl of Granard in 1684.

Patrick Segrave.—Recovery of debt from Colonel Cary Dillon.—2 April 1668.

Walter Harcourt.—Payment of arrears due for service in Sir Francis Hamilton's troop.—2 April 1668.

Renne Mezandier.—“That about ten moneths since your petitioner humbly complained to your Grace that his part of the fees of honor due to him was refused to be paid him by Mr. Morley and Mr. Dives, and your Grace was pleased to order the said fees to be stopt in the hands of the King of Armes, where the money now remaines. May it therefore please your Grace to order that the petitioner may receive the fee due to him in the said time, according to the proportion of three shillings in the pound, lately appointed by your Grace to be paid to your petitioner. And he shall pray, etc.

“Dublin Castle, the 6th of April 1668.—The King at Armes is to pay such fees as are now in his hands for the servants of our Bedchamber to Edmond Ludlowe,¹ Esquire, who is thereout to satisfy Renne Mezandier the summes due to him, according to the direction given by us the 28th of March last, and to pay the remainder to the persons to whom the same is due by former custome.—ORMONDE.”

John Craige, merchant, Londonderry.—Recovery of money due by Thomas Evelin, Lieutenant to Colonel John Gorges, Governor of Londonderry, on foot of order for wine.—7 April 1668.

Robert FitzGerald, Captain.—Payment of moiety of ten months arrears of pay for service in Viscoun Shannon's troop, with certificate.—8 April 1668.

Robert Taylor, Captain.—Arrears as Captain of a foot company raised from men disbanded at Carrickfergus.—8 April 1668.

Edward Meredith, executor to Thomas Heydon.—Recovery of money lent to William Harman, of the life-guard of horse.—8 April 1668.

John Inglis, “servant” to the Duke of Ormonde.—Leave to sue Ensign Houghton for money laid out for clothes by his orders.—10 April 1668.

John Magrath.—Recovery from Mr. Harman of money due for goods supplied to George Coolishe, of the life-guard.—11 April 1668.

John Pergiter, citizen of London.—Recovery of amount due by Lieutenant Robert FitzGerald.—14 April 1668.

Thomas Lawrence.—Payment of ten months' arrears for service in Sir Francis Hamilton's troop.—11 April 1668.

Sir James Shaen,² Knight and Baronet.—“That your petitioner is to pay to or for his Majestie a greate summe of money, for a considerable part whereof he depended upon the third part of the profits of the Registers' Office, payable by George Phillips and John Jeffreys, Esquires, Registers to the Commissioners for executing of the Acts of Settlement and Explanation, who, in contempt of your Grace's several orders, and contrary to their frequent promises to your Grace, have neglected to accompt for or pay in the same, whereby, besides their being lyable to account and pay unto his Majestie all they have received out of the said office, their letters patents for the same being voyd in law (as your petitioner is informed by his counsel) by reason they have not performed the expresse provisoe and condition in their said letters pattents concerning their accounting and paying over of the third part of the profits of the said office, notwithstanding more than two yeares are elapsed for

¹ See Ninth Report of this Commission, Part ii., 1884, p. 181.

² See p. 16.

MSS. OF
MARQUIS
OF ORMONDE.

which they ought to account for and pay the same, and have, nevertheless, contrary to the duty and trust reposed in them, devided all or the most of the profits amongst themselves without regard had to his Majestie's third part. May it therefore please your Grace to order and require the said Registers, and every of them, without further delay to account for and pay over the said third part, according to his Majestie's gracious intentions, and that (in case they fayle therein) his Majestie may sequester the said office and the profits in such reasonable persons' hands as he shall thinke fit and that his Majestie's Attorney-Generall, if need be, may not only cause them effectually to be prosecuted for the same, but also for the breach of the said provisoe and condition in their letters patents, to the avoyding of the said office and recovering of the profits thereof already received and wrongfully detayned and converted to their owne uses. And your petitioner shall ever pray, etc.

"Dublin Castle, 15 April 1668.—Uppon consideration had of this petition, and the severall orders and directions heretofore given concerning the matter within mentioned, by us, we doe hereby strictly require the within named Registers, George Phillipps and John Jeffreys, Esquires, and their respective deputies, and every of them, forthwith to account for and pay his Majestie's third part of the profits of their office according to the clause in the Act of Explanation and the provisoe and condition in the letters pattents granted unto them of the said offices wherein they have hitherto fayled. And in case they refuse or neglect so to doe, we pray his Majestie's Commissioners for executeing the Act, of Settlement and Explanation, and his Majestie's Attorney-Generall, and every of them, to cause such further effectual proceedings to be had therein for the securing of the moneyes which are or shall growe due out of the said office, and also for the recovery of the same by seizure, sequestration, suite, or by any other lawfull wayes or meanes, as they shall finde necessary and just.—ORMONDE."

Keane Carroll,¹ "a poore Dominican Fryer."—"That your poore suppliant, uppou the third day of September, 1666, was and hath been a prisoner in the custody of the Sargeant-at-Armes, where he remaineth in a most sad and deplorable manner, haveing noe way to mainteine himselfe in that languishing condition only what charitable Christians are seldome pleased to bestow on him, through meanes whereof your suppliant will undoubtedly perish, if not by your Grace (at whose feete hee casteth himselfe prostrate for redresse) speedily relieved. The premisses considered, and forasmuch as your suppliant ever yet hath been a faithful and loyal subject to his sacred Majestie King Charles the Second, and to his predecessors, and never acted anything prejudicial to the Crowne of England, but still true allegience and faith doth beare to the same, nor never guilty of that crime to deserve such tedious imprisonment: May it therefore please your Grace, of your wonted mercy to the distressed, to order that your suppliant may bee set at liberty, giving good security that he shall be forthcoming whensoever called upon. And your petitioner shall pray, etc.

"Dublin Castle, the 13th of April 1668.—The petitioner with sufficient suretyes giving bond of the penalty of five hundred pounds sterling to the Clerke of the Councel, to his Majestie's use, with condition that, within two moneths after he shall be set at liberty and discharged out of the restraint wherein he now is, he shall be transported out of this kingdome, and not returne into any part of this said kingdome without lycense of the Chief Governor or Governors thereof for the time being;

¹ See p. 74.

uppon certifficate of the said Clerke of the Councell of the givinge such bond, the Sergeant-at-Armes, in whose custody the petitioner doth remaine, is to set him at liberty, [he] paying his fees.—ORMONDE.”

James Jones.—Lands of Newtown, and rents, etc. accruing from lease to Thomas Boyd.—13 April 1668.

John Green, brewer, Dublin, and Alice Malory, alias Hughes, widow.—Recovery of money due by John Harrison, Sergeant in the Battle Axe guard.—15 November 1668.

John Prinne, brewer.—Recovery of debt from Lieutenant-Colonel Lisson, Adjutant-General.—April 1668.

William Dutton, Captain.—Compensation for services, and reimbursement of money expended for the use of militia raised by petitioner in the county of Donegal.—24 April 1668.

Christopher Blackburne.—Recovery of money due for sheep sold to Leonard Ladyman, butcher to the Earl of Arran's company.—21 April 1668.

Thomas Tyther, draper, London.—Recovery of amount due by Captain Robert Taylor, Governor of Duncannon Fort.—23 April 1668.

John Craige, merchant, Londonderry.—Leave to proceed against Lieutenant Thomas Evelyn, of Londonderry, for recovery of money due.—22 April 1668.

John Bromfield.¹—“That your petitioner in February last was commanded by his master, Richard Huish, merchant, who then had a vessel laden which was bulged on the sandes near Clontarfe, to goe aboard the same and not to permit any person to come into the said vessel without his master's privity, fearing the goods might miscarry, there being at the same time several persons that came downe at low water, both from the city and country, to take advantage of the shipwreck. That there were other merchants' goods then aboard the said vessel, and, in the great confusion which the storme and ill weather occasioned, there came several carmen from the citie of Dublin, and would forcibly enter the said vessel without giving your petitioner any accompt who employed them, or what their busines was. That thereupon there grew a very hot dispute between Captain Roger Moore, your petitioner, and divers others, about the boarding of the said vessel, and that in the affray one Aspine, a carman, got a disastrous stroake on the head, whereof he dyed soone after, by whose hand your petitioner knoweth not. That the said Captain Moore and your petitioner were this present terme tryed for the said fact in his Majestie's Court of Chief Place and the said Captain Moore by a verdict acquitted, and your poore petitioner found guilty of manslaughter. That there was in the affray aforesaid a person unknowne, who, since the death of the said Aspine, is fled and would not abide his tryal which if he had appeared might probably have freed your petitioner, from the sentence which he must now expect from that honourable Court, unlesse your Grace's mercy and clemency interpose. May it therefore please your Grace to grant your order of reference to the honourable the Judges of the said Court, before whom your petitioner received his said tryal, to the end they may certify your Grace how the matter appeared, to them upon the tryal and whether your petitioner be a fit object of his Majestie's mercy to obtaine a pardon for the burning of the hand; and, in the meane time, that your Grace will be pleased

¹ See p. 64.

MSS. OF
MARQUIS
OF ORMONDE.
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to respite the judgement of the said Court, your petitioner being but a youth of seventeen yeares of age. And he, etc.”

“Dublin Castle, April 24th 1668.—We pray our very good Lord, the Lord Baron of Santry,¹ Lord Chief Justice of his Majestie’s Court of Chief Place, or the rest of the Justices of the said Court, before whom the petitioner received his tryal, to certify us how the matter of fact did appeare unto them uppon his tryal, and whether they conceive him to be a fit object of his Majestie’s mercy, and to the end the petitioner may have time to sollicite the certifiycate of the said Judges therein, the burning of him in the hand is to be respited, till the last day of this tearme.—ORMONDE.”

Ann, widow of Abraham Vaughan.—Recovery of debts from Lieutenant Francis Hutton and Ensign Edward Courtenay.—1 May 1668.

Andrew Hewetson, condemned prisoner in Newgate, Dublin.—Pardon for having stolen boot-legs.—1 May 1668.

William Hamilton.—Leave to sue Christopher Short, of Lord Berkeley’s troop, for rent and taxes of lands in the King’s county.—2 May 1668.

Owen Okive.—Pardon for felony.—5 May 1668.

Edward Griffith and William Woodruffe.—Arrears for service in Colonel Redman’s troop.—6 May 1668.

CALENDAR OF PETITIONS ADDRESSED TO THOMAS, EARL OF OSSORY, DEPUTY TO JAMES, DUKE OF ORMONDE, LORD LIEUTENANT OF IRELAND, 1668–69.

Edmond [Butler], Viscount Mountgarrett.—“That your petitioner’s tenants being dayly disturbed by Richard Coote, who, for the more terryfying of them, hath imployed one Dennis Foy, of your Excellencie’s troop, to take up distresses, who hath seized on some of the tenants’ cattle for rent which the said Mr. Coote had noe right or pretence unto. That inas-much as the example may prove mischeivous for any person on the like occasion to make use of the power of any of the army under your Excellency’s command to put in execution what they cannot justify by the lawes of the land, and that by such proceedings your petitioner is in danger to have a great part of that little fortune he hath in those parts left waste: May it therefore please your Excellencie to prescribe some present course [by which] the person soe offending may receive condigne punishment and afford unto your petitioner such releife herein as to your wisdoms shall be thought meet. And he shall pray, etc.

“Dublin Castle, 6 May 1668.—Sir George St. George, Knight, who under us doth command the troop within mentioned, is to examine this matter, and, if he shall finde the allegations of this petition to be true, he is to dismisse the within named Dennis Foy out of the said troop and leave the petitioner to take his legal remedy against him.—OSSORY.”

John Bromfield.²—“The certifiycate of Sir William Aston, Knight, and Thomas Stockton, Esquire, two of his Majestie’s Justices of his Court of Chief Place.—Sheweth: that this present Easter Terme, Roger Moore and the within petitioner, John Bromfield, were indicted before us in his Majestie’s Court of Chief Place for the treasonable murder of one John Aspin, a carman, and upon their plea of not guilty the jury (who past uppon their tryal) found the said Roger Moore not guilty generally, and the said John Bromfield not guilty of murder, but guilty of manslaughter, which we conceive upon consideration of the evidence was the utmost extent

¹ See p. 2.

² See p. 63.

of the fact; and uppon allowance of clergy, the benefit whereof he prayed, read as a clerke, and is now in obedience to your Grace's above order, respited from burning in the hand, which falling out to be the utmost punishment due to his offence, we are humbly of opinion that he, being a very young man, in nature of an apprentice or servant to a merchant, may therefore be a fit object of his Majestie's mercy in pardoning thereof. All which we humbly neverthelesse submit to your Grace, this 24th of April, anno regni Regis Caroli Secundi, Angliæ, etc., vicesimo, annoque Domini, 1668.—W. ASTON, THO. STOCKTON.

“Dublin Castle, the 6th of May, 1668.—Uppon consideration of the foregoing certifficate of Sir William Aston, Knight, and Thomas Stockton, Esquire, two of the Justices of his Majestie's Court of Chief Place in this kingdome, before whom the petitioner, John Bromfield, received his tryal, we are pleased to extend his Majestie's mercy to the said John Bromfield as to the burning in the hand mentioned in the said certifficate, and we require his Majestie's Attorney and Solicitor General, or either of them, to draw up a fiant in due forme of law contayning his Majestie's gracious pardon to the said John Bromfield for the said burning in the hand, and a pardon also for his goods forfeited by his conviction, and to insert therein all such clauses and non-obstantes as in like cases are usual, and the said fiant, fairly ingrossed in parchement under their or one of their hands, to send unto us to be further passed as appertaineth. And for soe doeing this shall be a sufficient warrant.—OSSORY.”

Robert Greenewell, agent of the Ironworkes¹ in the county of Wexford, in behalfe of John Morris and Robert Clayton, gentlemen, owners of the said workes, and of himselfe and other persons therein concerned.—“That your petitioner hath for these five or six yeares last past been employed by the said Morris and Clayton as their agent for management of the said ironworkes, which, at their entrance uppon the same, were ready to fall to ruine, and by their stock and money had soe improved the same that they were in a hopeful way of settlement, not onely for reimbursing the moneys advanced by Morris and Clayton, but also for the benefit of the partners and creditors who had any expectation from the successe thereof, and for the great advantage of the trade and reliefe of the poore of that county. But, soe it is, that one Mr. Timothy Stampe of late hath by confederacy with several persons, his servants or dependants, entered forceably upon the said workes and lands belonging to the said Morris and Clayton, under colour of a writ out of the Court of Exchequer erroneously issued, and not onely turned out the said Morris and Clayton and their agents from the possession thereof, a considerable part whereof he as yet detaineth from them, notwithstanding the said Court hath since, for the irregularity of the said writ, reversed and annulled the same, but also the said Mr. Stampe hath seized and disposed of five or six thousand pounds' worth of the said Morris and Clayton's iron and goods which he had no pretence to by the said writ; and, that which is more strange and insupportable, hath without any reason broken open several trunks, lockes, and keyes belonging to your petitioner, Robert Greenewell, and his servant, and taken away their proper moneyes and goods to a considerable value, with necessary bookes and other papers, whereby to disable them to make up their accompts according to the trust reposed in them. That the said Stampe gives out in speeches (as your petitioners are credibly informed) that he feares not what can be done against him, presuming uppon your Excellencie's

¹ The Wexford ironworks are not among those mentioned by Boate in his treatise on Ireland published in 1652.

MSS. OF
MARQUIS
OF ORMONDE.

favour for his protection, and the Castle of Dublin for his shelter, which your petitioners (though they are far from beleiving your Excellencie would give countenance to any such persons or actions) are apt to credit he too much relies on, seeing he stands out in contempt of orders of Chancery and lies lyable to several just actions at law, as well criminal as civil, all which he evades by reason of his present reception in the said Castle. Wherefore your petitioners humbly pray that the said Mr. Stampe may be left at large to answer the proceedings of law, and that your Excellencie will take such speedy course therein as to your wisdom shall seeme meet. And your petitioners shall pray, etc.

“Dublin Castle, 6 May, 1668.—Let this petition be shewed to Timothy Stampe, within named, who is required to shew us cause in writing (if any he can) why the request of the petitioners should not be granted.—OSSORY.

“Dublin Castle, 18 May, 1668.—Timothy Stampe, within and above named, having by his answer in writing to the within petition alledged some things for cause why the request of the petitioners should not be granted, which doe not give us any ground to hinder the petitioners from their legal remedy against him, whatsoever he may pretend: we thinke not fit that he be sheltered or any way protected in this Castle against any demands which they have against him. And therefore we doe hereby declare that if he lodge or be sheltred in any part of this Castle, any of his Majestie’s officers or ministers are at liberty to come into the said Castle and therein execute any legal process against the said Stampe without any opposition to be thereunto given; whereof all persons whom it may concerne are to take notice.—OSSORY.

“This Order was written on the backe of the petition under the above order for Mr. Stampe to shew cause.”

John Morgan.—Order to Henry Brereton to lodge with the Clerk of the Council, pending proceedings, amount claimed by petitioner for salary as Commissioner of Valuation in Connaught.—7 May, 1668.

Michael Smith,¹ “keeper of Sherwood Park.”—Assistance from William Durham, of the Duke of Ormonde’s Company.—4 May, 1668.

Officers and soldiers garrisoned at Clonmel.—Order to Mayor to provide sufficient and convenient quarters for petitioners.—7 May, 1668.

Thomas Malbone and Margaret Malbone, executors of Ralph Malbone.—Recovery of debt from Alexander Platifoot, of Lord Dungannon’s troop.—9 May, 1668.

David Sollom, merchant, Dublin.—Recovery of debt from Robert FitzGerald, Lieutenant of Viscount Shannon’s troop.—13 May, 1668.

Izack Gray and Walter Walsh.—Recovery of amount due for quarters, from Edward Butler, clerk to troop of Lord Atherdee.—18 May, 1668.

William Flanagan.—Recovery of debt from William Anthrobus, of Athlone, inn-keeper and member of Lord Berkeley’s troop.—16 May, 1668.

John Shepheard and Frances his wife.—Recovery of amount due by Sir Daniel Treswell to John Mitchell, deceased.—11 May, 1668.

¹ See p. 35.

John Jephson, Colonel.—Removal of cheque on his own pay, and that of two soldiers, while absent, by license of the President of Munster, in order to settle his affairs as one of the 1649 officers.—20 May 1668.

John Black and George Squire, merchants, Londonderry.—Recovery of money lent to Lieutenant Norris Cane of Captain Moreton's company.—21 May 1668.

Edward Griffith.—Recovery from Francis Hulton, Lieutenant to Colonel Humphrey Sydenham's company, of money paid for goods supplied by Edward Rooth, of Kilkenny.—25 May 1668.

Robert Brise, Esquire.—Praying that Archibald Moore, for whose appearance at the suit of Alexander Moore petitioner had given security may be attached, notwithstanding his having enlisted.—28 May 1668.

Roger Pemberton, "administrator of the goods and chattels of Major John Leake, deceased."—"That Major John Leake in his lifetime and Thomas Tillson, Esquire, were by an order of his Grace the Lord Lieutenant and the Council, dated the 28th of April, 1664, authorised as his Majestie's agents and commissioners to demand, receive, and bring into his Majestie's Chief Remembrancer's Office of the Exchequer all forfeited bonds due to his Majestie for tunnage and poundage and the duties of Excise and new impost since the 30th of January, 1648[-9], and to prosecute the same, and all other bonds there remaining in his Majestie's said Court, for which service they were allowed 200*l.* a peece per annum, to be paid quarterly. Now it may please your Excellencie the said Major Leake and Thomas Tillson did jointly petition his Grace the Lord Lieutenant and the Council for 300*l.* as satisfaction of three quarters of a yeare's salary due the 29th of September, 1665, and obtained a warrant of concordatum to his Majestie's Vice Treasurer to pay to Thomas Tillson 150*l.*, and to the executor or administrator of the said John Leake 150*l.*, in all 300*l.*, for three quarters salary due as aforesaid, taking the acquittance of the said Thomas Tillson and of the executor or administrator of the said John Lake for a discharge. The said Thomas Tillson, by virtue of the said warrant, received the 150*l.* allowed to the administrator of the said John Lake and the same unjustly detaineth from your petitioner, who is administrator of the goods and chattels of the said John Lake; neither hath your petitioner any remedy against the said Thomas Tillson, without your Excellencie's license, he being a servant depending upon his Grace the Lord Lieutenant. May it please your Excellencie to grant your petitioner license to implead the said Thomas Tillson. And your petitioner, etc.

"Dublin Castle, 23rd May, 1668.—Thomas Tillson within named is required within foure dayes' sight or notice hereof, to shew us cause in writing (if any he can) why the petitioner's request should not be granted.—Ossory."

Edmond Kelly, tailor, Dublin.—Amount due by soldiers.—23 May 1668.

John Deacon, Esq.—Recovery of debt from Sir Francis Foulke.—30 May 1668.

Ensign Henry Bulkeley.—"That the petitioner, being provoked by one Stephen Radford, had the misfortune suddenly and in his owne defence to give the said Radford a wound, whereof he dyed, for which the petitioner being tryed in his Majestie's Court of Chief Place, he was found guilty of manslaughter and soe capable of the benefit of his clergy, and the penalty thereof being burning in the hand, and he, being an officer in his Majestie's regiment of guards, doth most humbly beg that

MSS. OF
MARQUIS
OF ORMONDE.

your Excellencie will be pleased to preserve him from that ignominious brand, and to grant him his Majestie's most gracious pardon for the said fact, and all forfeitures for the same, and until he may have time to passe such pardon, to respit his burning in the hand. And he shall ever pray, etc.

"Dublin Castle, 1st June 1668.—The Judges before whom the petitioner was tryed are to certify us how the matter for which he was convicted did appeare upon his tryal, together with their opinion whether for the same they conceive him to be a fit object of his Majestie's mercy. And to the end the petitioner may have time to prosecute the reporte of the said Judges therein, the burning of him in the hand is to be respit until the eighth day of this moneth.—OSSORY."

"To his Excellencie, Thomas, Earle of Ossory, Lord Deputy of Ireland, the humble certifiyate of us, Sir William Aston, Knight, and Thomas Stockton, Esquire, two of the Justices of his Majestie's Court of Chief Place:—Sheweth and certifiyeth that this day Ensigne Henry Buckley received his tryal before us, in his Majestie's said Court of Chief Place, for the trayterous murder of Stephen Radford and was (uppon full evidence of twelve witnesses then and there sworne and examined for proofs of the said fact) found by the jury, who past uppon the said tryal, not guilty of murder but guilty of manslaughter; which we humbly conceive was a verdict very suitable to and agreeable with the tenor of the evidence, and that therefore the said Mr. Buckley may be a fit object of his Majestie's mercy. All which is humbly submitted to your Excellencie this first day of June, anno regni Regis Caroli Secundi Angliæ, etc., 20, annoque Domini 1668, by your Excellencie's most humble servants, WILL. ASTON, THO. STOCKTON.

"Dublin Castle, the 2nd of June 1668.—Uppon consideration of the foregoing certifiyate of Sir William Aston, Knight, and Thomas Stockton, Esquire, two of the Justices of his Majestie's Court of Chief Place, we are pleased to extend his Majestie's mercy to the petitioner Henry Buckley. And we require his Majestie's Attorney and Solicitor-General, or either of them, to draw up a fiant in due forme of law, contayning his Majestie's gracious pardon to the said Henry Buckley for the fact in the said certifiyate mentioned, and all paynes, penalties, and forfeitures, whereunto the said Henry Buckley by reason of the said fact is lyable, and inserting therein all such clauses, provisions, and non obstantes as in like cases are usual, and the same, fairly ingrossed in parchment under their or either of their hands, to send unto us to be further passed as appertaineth. For doeing whereof this shall be a sufficient warrant.—OSSORY."

Nathaniel Hinson.—Re-admission as Corporal in Captain Gilbert Swinhoe's troop.—3 June 1668.

Peter Wybrants, Alderman.—Recovery of debt from John Griffith, Town Major.—1 June 1668.

Richard Colson.—Recovery, from Corporal Robert Taylor, of arrears of rent due on lands in the county of Tyrone, or possession thereof.—2 June 1668.

John Edwards.—Leave to sue Colonel Cary Dillon for recovery of debt.—28 May 1668.

Henry Hemsworth, and Mary his wife.—Leave to proceed against Sir Arthur Chichester and Captain John Chichester for ravishing their daughter Elizabeth Rumney, and for other violences.—6 June 1668.

Roger Pemberton, administrator of Major John Lake, Commissioner for bringing forfeited bonds, etc. into the Chief Remembrancer's office.

—Replication to answer of Thomas Tillson respecting disposal of Major Lake's salary.—8 June 1668.

John Stephens, clerk.—Recovery of debt from Henry Brenn, a member of the army.—6 June 1668.

Mary Swaile, widow.—Recovery of amount due to petitioner's late husband by Major Richard Bingley, of Londonderry.—30 May 1668.

Colonel John Fitz-Patrick.—“That your petitioner being decreed to his estate by the Commissioners for executing the Declaration, the persons possessed thereof held the same, under colour of privilege of Parliament, until the said Declaration was passed into an Act, and the privilege taken away, yet during that time paid noe quit-rent, which is now charged on your petitioner, although the then proprietors ought to pay the same. That your petitioner having made surrender of his estate unto the Crowne so soone as he was quieted in the possession thereof, his Majestie, in consideration of the petitioner's services and sufferings, was graciously pleased to give your petitioner a new grant of his said former estate at the rents it yielded before the warre. Notwithstanding all which, and that the said lands were put out of charge, the same de novo is now in charge in the Exchequer. Your petitioner's humble request is that he may have your Excellencie's order to the Barons of the Exchequer to suspend the leavying of any rents of your petitioner's lands until the next terme, by which time your petitioner will show sufficient cause to the said Barons why he ought not to be charged with the said quit-rents. And he will pray, etc.

“Dublin Castle, 4 June, 1668.—We are pleased and doe hereby order that the quit-rent within mentioned be respited until the first day of the next terme; whereof all his Majestie's officers and ministers whom it may concerne are to take notice.—OSSORY.”

Jerome Cheevers, merchant, Drogheda.—Recovery of debts from soldiers, with certificate.—8 June 1668.

John Shepheard and John Bradock, clothiers.—Recovery of amount due by Captain Charles Fielding for clothes for his company.—10 June 1668.

Robert Swan.—Recovery of debts from soldiers.—10 June 1668.

Robert Sandys, Colonel.—Payment of moiety of ten months' arrears for service as Corporal of foot, with certificate.—12 June 1668.

Dame Catherine Newcomen.—Leave to sue Sir Thomas Newcomen, Lieutenant in Sir Arthur Forbes' troop.—11 June 1668.

Theobald [Taaffe], Earl of Carlingford, and Thomas, Lord Viscount Dillon.—“That his Majesty having heretofore by his royal letters signified his pleasure for freeing your petitioners' respective estates from quit-rents and all other charges other than such as the same were lyable unto on the 22th of October, 1641, whereupon by his Grace's orders the Court of Exchequer from time to time have respited the payment of the said rents till last Easter-terme, in order to the passeing of letters patents for discharging the said rents. And whereas his Majestie in Councell by his late gracious orders hath declared his royal pleasure, as a marke of his favour and bounty to your petitioners, to remit the said quit-rents by letters patents, for passeing whereof particulars and the Auditor's certifiyeates are in preparation and will take some time. Wherefore they humbly pray your Excellencie to be pleased to give order to the said Court of Exchequer to continue their orders of respit of the said quit-rents and other charges till Michaelmas term next, as hitherunto hath been done. And they will pray, etc.

MSS. OF
MARQUIS
OF ORMONDE.

"Dublin Castle, the 10th of June, 1668.—We are pleased that the respite of the payment of the rents above mentioned be continued until the first day of Michaelmas terme next, whereof all his Majestie's officers and ministers whom it may concerne are to take notice.—OSSORY."

Ja. Banting, Ensign.—New warrant for arrears of pay due for service in Sir Ralph Willson's company.—13 June 1668.

Major Nicholas Bayly,¹ "Governor of the Islands of Arran and Boffin."—"That, by order of his Grace the Lord Lieutenant of this kingdome, two private soldiers out of every foote company in the army, were sent into the said Islands for the security and defence thereof, who, with the petitioner's company in guarrison there are to be commanded by the petitioner during their continuance in the said Islands. That, upon the death or running away of any of the said commanded men, the petitioner hath, at a muster, supplied the place of such soldiers dead or run away with other able and fit men, not only for keeping up the strength of guarrisons but to prevent the trouble, charge, and inconvenience which would insue by sending other soldiers from the several companies from all the remote parts of the kingdome to supply such vacancies, but also by the consent of the several Captaines who are content to allow of such men as shall be so intertained by the petitioner while they shall continue in the said Islands. That, at the late muster there, the petitioner being then in England, the Muster-Master, according to former practise, inlisted two men instead of those sent out of the Earl of Mountrath's company, which places were then vacant, to which the said Earle did formerly consent and is still well content therewith. Yet his Lieutenant has chequed the said two men in the rolls for the said muster, pretending he should have sent a supply for those vacancies from the company, which (if at all) is scarce practicable, especially now when the soldiers are so much in arreare of pay. For reliefe wherein, and preventing the like inconvenience and trouble in the future, the petitioner humbly prayes your Excellencie will be pleased to give order to the Muster-Master to allow the said two men soe entred at the late muster in the said Islands, and to impower your petitioner, for so longe time as the said commanded men shall be under his command in the said guarrisons, at a muster to fill up such vacancies as shall happen as aforesaid by admitting such able and fit persons as the Muster-Master shall approve of. And your petitioner, etc.

"Dublin Castle, 18 May, 1668.—We pray our very good Lord, the Lord Baron of Kingston,² Lord President of the Province of Connaught, to consider of this petition and to certify us what he shall conceive to be fit to be done thereupon.—OSSORY."

"Dublin, the 13th of Jnne, 1668.—May it please your Excellencie, In obedience to your Excellencie's commands of the 18th of May last, I have considered of the within petition and doe humbly conceive that upon the death or running away of any souldier sent from any particular company of foote of the standing army of this kingdome, to serve in the Isles of Arran, the officer commanding the souldiers ought to give notice to such respective Captain or other officer commanding the company to whom the said souldiers so run away or dead, did formerly belong, to the intent the said Captain or the officer commanding in his absence may speedily supply such vacancies. And in case the respective Captain, or his officer commanding, upon notice given as aforesaid shall not take speedy course to supply the vacanyes, I humbly conceive

¹ See Ninth Report of this Commission, Part ii., 1884, p. 507.

² Sir John King, created Baron Kingston in 1660.

it but reasonable the petitioner or the officer commanding in the said Isles of Arran doe from time to time intertaine such men as shall supply the places of such as shall dye, run away, or be disbanded. I further humbly conceive that the officer who did command in the Isles of Arran in the petitioner's absence, ought to have given notice to the officer of the Earle of Mountrath's company before he intertained any in the places of those dead or run away formerly sent out of that company. But because the Muster-Master inlisted the said men, and they have ever since done their duty, the cheque imposed by the Earle of Mountrath's Lieutenant ought to be taken off, and the two souldiers have their pay allowed them. All which is humbly submitted to your Excellencie by, may it please, your Excellencie's most obedient servant.—KINGSTON.

“Dublin Castle, the 17 of June, 1668.—Upon consideration of the foregoing certificate of our very good Lord, the Lord Baron of Kingston, Lord President of the Province of Connaught, we are pleased that the cheques within mentioned be taken off; whereof the Muster-Master General is to take notice; and we are also pleased that the rule by the said certificate proposed be observed for the time to come.—OSSORY.”

Edward Courtney, Ensign to Colonel Thomas Coote's company.—Removal of “cheque” from his pay, for overstayed leave, caused by illness.—15 June 1668.

Luke Tomson.—Recovery of amount due by Captain Gilbert Rawson to petitioner as administrator to Robert Nicholson.—2 June, 1668.

Henry More O'Neale.—“That your petitioner, having noe other education or employment save what the late calamitous times of war and trouble afforded, lived alwayes in the condition of a souldier for the most part in his Majestie's service, and, after the war, having noe means of subsistence, haveing become guilty (as it proveth) of some actions which hath rendered him lyable to the censure of the law, which put your petitioner on his keeping until his Majestie's happy returne, when your petitioner expecting oblivion of his offences past, submitted himself to his Majestie's lawes and protection, and was for some time a horseman in his Majestie's standing army, and so continued until some persons, who had prejudice to your petitioner for some past actions, accused him before Sir Richard Kennedy,¹ at Lent Assizes at Dundalke, in 1664, for robbery committed in the late times, whereof your petitioner was found guilty. But the said Judge, upon the consideration aforesaid, (as the petitioner supposeth) did not proceed to judgment against your petitioner, who remained long in goale until the same happened to be broke by other malefactors, with whom your petitioner escaped. But being easily and quickly retaken, was for this offence likewise indicted and found guilty before the same Judge in Lent Assizes, 1666, who notwithstanding forebore as formerly to proceed to sentence your petitioner. In which condition your petitioner remained until Summer Assizes last at Dundalke, when he was sentenced for these causes by Sir Jerome Alexander,² who notwithstanding reprived him from time to time since, conceiving your petitioner a fit object of his Majestie's pardon and mercy. May it therefore please your Lordship to consider your petitioner's long imprisonment, sad condition, and the forbearance justly afforded your petitioner, by his Majestie's Judges, and grant him a pardon for the said offences; and to require the said Judge's opinion of your petitioner's case,

¹ See p. 72.

² See p. 49.

MSS. OF
MARQUIS
OF ORMONDE.

and to order thereupon agreeable to the condition of one of the greatest paupers living, that the said pardon may issue in forma pauperis. And your petitioner, etc.

"Dublin Castle, the 27th of April, 1668.—We pray the Judges, before whom the petitioner was tryed for the matters in this petition mentioned, to certify us how the same did appeare upon his several tryals particularly, together with their opinion whether they conceive the petitioner for those matters to be an object of his Majestie's mercy.—OSSORY.

"May it please your Excellencie: in obedience to the above order of reference, dated the 27th of April last past, on the petition of Henry More O'Neile, I doe hereby certify that at an Assizes and general gaole delivery held before me at Dundalke for the county of Lowth, the 27th day of February, the 17th yeare of his now Majestie's reigne, the said Henry, by the name of Henry More O'Neile of Dunbin in the county of Lowth, gentleman, was indicted, tryed, and found guilty of the felonious assaulting and robbing of one Gawen Tippin, the 9th day of August, in the 12 yeare of his Majestie's reign, in the King's highway, neare Dunbin aforesaid, in the county aforesaid. Whereupon, then and there demanded what he could say for himselfe why judgment of death and execution thereupon should not be awarded against him, the said Henry did then and there plead the Act of Indempnity of England. Whereupon the Court did then advise and did respite the giving of judgment against him upon the said plea until the next assizes following. I also certify that I finde that at an Assizes and general gaole delivery, held before me at Dundalke for the county aforesaid, the 18th day of March, the 19th yeare of His Majestie's reigne, the said Henry More O'Neile was indicted, tryed, and found guilty of the felonious breaking of his Majestie's gaole at Atherdee¹ in the said county, and making his escape out thence the 16th day of December in the said 12th yeare of His Majestie's reigne, being in the said gaole for the fact aforesaid. Whereupon the court did then also respite judgment against him, the said Henry, until the next assizes to be held for the county aforesaid. All which I humbly certify this 8th day of May, 1668.—RICHARD KENNEDY.

"Dublin Castle, the 12th of May 1668.—We did, by our foregoing order of reference of the 27th of this last moneth, given on the within petition of Henry More O'Neile, direct that the Judges before whom the petitioner received his tryal should not only certify us how the matters in the said petition mencioned did appeare upon his several tryals particularly, but also their opinion whether they conceived the petitioner for those matters to be an object of His Majestie's mercy. But by the certifycate of Sir Richard Kennedy, Knight and Baronet, second Baron of His Majestie's Court of Exchequer, before whom the petitioner was tryed, we finde not that there is any opinion certifyed, as by our said order was required; wherein we conceive the said certifycate to be short and expect that the same in that point be supplied.—OSSORY.

"May it please your Excellencie: In obedience to the above order, I doe humbly certify that the within petitioner; Henry More O'Neile, is altogether a stranger to me. But having made inquiry [I] doe finde by the relation of persons of credit and quality that they judge him to be a fit object of his Majestie's mercy. All which I humbly certify this 8th day of June 1668.—RICHARD KENNEDY."

¹ Ardee, in County of Louth.

“Dublin Castle, the 19th of January 1668 [-9].—Uppon consideration of the several within certifycates of Sir Richard Kennedy, Knight and Baronet, second Baron of his Majestie’s Court of Exchequer in this kingdome, we are pleased that the petitioner, Henry More O’Neile, giving security of the penalty of one hundred pounds sterling, before the next goeing Judges or Judge of Assize for the county of Louth, that within six weekes after he shall be set at liberty out of the restraint wherein he now is, he shall ship himselfe for the Barbadoes and not come on shore until he shall be landed there, nor returne into this kingdome without the lycence of his Majestie or the Chief Governor or Governors here for the time being, uppon certifycate of the said Judges or Judge of the giving such security, the Marshal or other officer in whose custody the petitioner doth remaine shall set him at liberty.—OSSORY.”

Philip Harryes.—Leave to sue Sir Francis Foulke and other members of the army.—25 June 1668.

Francis Simpson.—Leave to sue William Supple, Lieutenant to Colonel John Jephson’s company.—25 June 1668.

George Sweeting.—Restoration to his former post, as Sergeant, in Colonel John Butler’s company.

Henry Meagh.—Leave to proceed against James Benson, of Captain Moreton’s company; and stoppage of Benson’s pay to meet damages.—10 June 1668.

Rebecca Proctor.—Removal of cheque from arrears of pay due to her late husband for service as trumpeter in Sir Oliver St. George’s troop; with certificate.—27 June 1668.

Lieutenant Edward Brabazon, late Lieutenant to troop of Lord Glenawly.¹—Removal of cheque from pay due to date of petitioner’s resignation.—13 July 1668.

Thomas Drackford.—Arrears for service as Sergeant to Sir Thomas Fortescue, of Carrickfergus; with certificate.—13 July 1668.

Francis Hutton, Lieutenant.—Removal of cheque placed on petitioner’s pay, at the instance of Edward Griffith; and permission for Griffith to proceed at law.—14 July 1668.

Edmund Bradshaw, John Higgins, and Henry Joyce.—Arrears for service in the life-guard.—15 July 1668.

Francis Williams.—Payment of ten months’ arrears due to petitioner as trooper under the command of Sir Theophilus Jones.—23 July 1668.

John Rogers, late Corporal in Lord Conway’s troop.—Payment of ten months’ arrears.—20 July 1668.

John Kelly, brewer.—Recovery of amount due by Thomas Freeman, Sergeant in Major Beversham’s company.—22 July 1668.

Richard Farley, Lieutenant, and Ensign William Littell, of Sir John Stephen’s company.—Payment of half of their ten months’ arrears.—18 July 1668.

Anthony Stowell, Kinsale.—Recovery of debt from James Hibbins, Sergeant in Colonel Howard St. Leger’s company.—27 July 1668.

William Barker, burgess of Wexford.—Leave to proceed against Ensign Pollexfen for assault.—6 June 1668.

¹ Hugh Hamilton, Baron of Lunge in Sweeden, and of Glenawly in Fermanagh.

MSS. OF
MARQUIS
OF ORMONDE.

Theobald [Taaffe], Earl of Carlingford.—Exemption of his estate from the three-penny rate.—31 July 1668.

Francis Tuke, Corporal, and James Kelly.—Payment of ten months' arrears for service in Sir William Meredith's troop; with certificate.—4 August 1668.

Richard Andrew.—Permission, as hitherto, to have the care of his brother-in-law, Peregrine Prittie, said to be dumb and idiotic, on the ground that his interest in lands in Carlow, held in Prittie's name, would be injuriously affected if the latter were made a ward of the King.—5 August 1668.

John Boys and Robert Dodson, farmers for the granting of licences.—Recovery of Excise duty from members of the army retailing beer, etc., in Dublin.—6 August 1668.

Robert Tompson.—That Richard Doggett is indebted to your petitioner in £10 for dyet and lodging for himselfe, wife, etc., and is able to pay the same, but denieth soe to doe, and being one of the company on board the pleasure-boate, the petitioner has noe remedy against him, and therefore prays he may be ordered to satisfy the petitioner or left to law. And your petitioner, etc.

"10 June 1668.—Referred to Sir Robert Byron, to heare both parties and examine the business and end the difference by consent if he could, or else certify what should appeare unto him.—OSSORY.

"In obedience to your Excellencie's reference of the 10 of June, I called the parties before me, to examine the matter in difference betwixt them, where being met, the defendant confessing the debt, they of themselves came to an agreement, to both their satisfactions. But since then the defendant absents himselfe and will not be found to performe what he of himselfe undertooke. All which I doe humbly certify this first of August 1668.—ROB. BYRON.

"Dublin Castle, the 4 of August 1668.—If Richard Doggett, against whom the petitioner doth complaine, shall not within six dayes after sight or notice hereof performe the agreement mentioned in the foregoing certificate of the Master of the Ordnance, we leave the petitioner at liberty to take his remedy against him, by due course of law, notwithstanding any priviledge to which he may pretend by reason of his employment in the vessel within mentioned.—OSSORY."

Robert Tompson.—Recovery of amount due for quarters by James Tobyn and George Lyndon, of the guard of horse.—4 August 1668.

George Phillipps, farmer of the hearth-money, Ulster.—Leave to sue Arthur Mulhallen, of Lord Dungannon's troop, for hearth-money collected by him.—6 July 1668.

Shane O'Birne, alias O'Bryn.—Certificate recommending him to mercy, after conviction for burglary at Drogheda.—8 August 1668.

Lord John Butler.—Praying that the Commissioners of Excise may be ordered to pay amount assigned on them for maintenance of the troop of guards.—10 August 1668.

Keane Carroll.¹—"That your petitioner, a Dominican fryer, continued close prisoner nineteen moneths, until, at the end thereof, paying £20 fees he was set at liberty to relinquish the kingdome the 15th of this instant August, uppon entring security. That, by reason of his owne sicknes and disability of his friends at present to further him to performe the going out of the kingdome, he is not able to undertake any land or sea

¹ See pp. 62, 74.

voyage without endangering his life, and also that he hath entred security for his said departure. May it therefore please your Excellencie to grant your petitioner three moneths time for his better preparation to depart the kingdome, he entring his said former security at the expiration thereof to doe soe. And your petitioner shall pray, etc.

“Dublin Castle, the 10 of August 1668.—We are pleased that the time by the order of the Lord Lieutenant of this kingdome, uppon the petition of the petitioner, dated the 13th day of April last, appointed for the petitioner’s departure out of this kingdome, be enlarged until the 15th day of November next, and that he may in the meane time continue in this kingdome, he geiving the same security with the same condition which formerly he did give that he shall, by or before the said 15 day of November aforesaid, depart thereout, and that whilst he shall remaine in this kingdome he shall behave himselfe inoffensively and as becometh a loyal subject, without acting anything contrary to the lawes and statutes of force in this said kingdome.—OSSORY.”

“Earle of Carlingford.—We, the undernamed, are of opinion that so much of the within charge should be assigned unto the petitioner as the summe to be charged on his owne estate shall amount unto, to be allowed unto him out of the said estate by the receivors thereof, in regard it is well knowne to us that he hath on all occasions meritted the same and much more as by the Act intended; which we humbly certify the 1st August 1668.—MILO POWER.—ROB. TALBOTT.—Geff. BROWNE.—ATHENRY.¹—N. PLUNKETT.

“Dublin Castle, 10 August 1668.—Uppon consideration of the foregoing petition of Theobald [Taaffe], Earle of Carlingford, and of what is written under our order of the 31st of July last, given on the said petition, and subscribed by the Lord Baron of Athenry, Sir Nicholas Plunkett, Knight, Sir Robert Talbott, Baronet, Colonel Milo Power, and Geffry Browne, Esquire, and in pursuance of the Act of Parliament in the said petition mentioned, [we are pleased that so much of the within charge] shall be assigned to the petitioner as the summe to be charged on his owne estate shall amount unto, to be allowed unto him out of the said estate by the Receivors of those moneys.—OSSORY.”

James Swanton, farmer of Excise, county Kildare.—Recovery of Excise duty from several soldiers.—8 August 1668.

Arthur Roland.²—“That your petitioner by a former petition set forth that, concerning the abuse don to Mrs. Mary Ware by one James Shirley, an unjust information was given that your petitioner had to doe in that busines. But, upon your Excellencie’s reference to Captain Shaw, he hath reported your petitioner so free from blame that he hath been serviceable to the gentlewoman therein, and your petitioner doth understand your Excellencie hath been pleased to restore the petitioner to his former capacity instead of one Edward Healy late deceased out of Captain Gilbert Swinhoe’s troop of which your petitioner was. Your petitioner doth now humbly desire that he be not only restored to his former imployment, and to attend his duty here in towne, but that he may be allowed as of the last muster and receive his pay accordingly. And he, etc.

“Dublin Castle, 2 July, 1668.—The Muster-Master General is to informe himselfe how this matter stands, and to certify us thereof, with his opinion of the petitioner’s request. —OSSORY.

“May it please your Excellencie : There being one entered, by order of the Lord President of Munster, at the muster of Captain Swinhoe’s troop

¹ See p. 1.² See p. 50.

MSS. OF
MARQUIS
OF ORMONDE.

in March last in the place of Edward Healey dead, I humbly conceive it fit that Morgan Madden, who was entred upon the discharge of the petitioner, be dismissed, and the petitioner readmitted into the said troop, and as one of the commanded men in this cittie, and allowed from the last day of June last. All which I humbly submit to your Excellencie's pleasure. Dated the 30th day of July 1668.—ABRAHAM YARNER.¹

“Dublin Castle, the 13th of August 1668.—Upon consideration of the above certeficate of the Muster-Master General, we are pleased and doe hereby order that Morgan Madden in the said certeficate named be dismissed out of the horse troop under the command of Captain Swinhoe, and that the petitioner, Arthur Rowland, be re-admitted into the said troop, and as one of the commanded men in Dublin, and allowed from the last day of June last; whereof as well the said Muster-Master as all other officers whom it may in any sort concerne are to take notice.—OSSORY.”

Thomas Digby.—Order as to recovery of ten months' arrears due to some soldiers of Sir Francis Hamilton's troop, and assigned to petitioner on foot of amount due by them.—10 September 1668.

Charles De Twitty.—“Complaineing of Edward Grimes, of the guard of battleaxes, for wrongfully arresting him, and other unjust troubles, to his great charge; and that the said Grimes being arrested, one Christopher, another of the said guard, did rescue him, tho' the petitioner had liberty to take his remedy by law against the said Grimes. Uppon which petition the petitioner is left to take his legal remedy against both the said persons.—14 August 1668.”

John Wilkinson and Roger Bradshaw.—Order on petition for ten months' arrears for service in Sir Oliver St. George's troop.—14 September 1668.

George Mathew.—Compensation for horse taken by Samuel Ireland, a member of the army.—17 September 1668.

Major Robert Edgeworth,² Governor of Sligo.—“That one William Webb, deceased, being intrusted by the late usurpers in building the fort of Sligo, and haveing received several considerable summes of money for that use, the petitioner, at his coming to garrison there, found a quantity of timber and certaine other materials that had been bought by the said Webb for the use of the fort, and which have ever since and still doe remaine there. That Captaine Henry Webb, pretending to the estate of the said William Webb, did claime the said timber and materialls, which really belong to the King. And there being lately a processe of green wax issued to the Sheriff of Sligo for £300 arreares of rent to his Majestie on the said William Webb's estate, the said Sheriff threatens to seise the said timber and materialls which belong to his Majestie, tho' the said William Webb left a very considerable estate in land now possessed by the said Captain Henry Webb, which is sufficient to answer the King. And the petitioner being able and ready to make appeare that the said timber, etc., was bought with the publique money and belongs to his Majestie, and is necessary for the use of the said fort, he prayes your Excellencie will be pleased to impower the petitioner to keep the same until the matter be further examined before your Excellencie, the petitioner heard therein, and that further order shall be given concerning the premises. And your petitionour, etc.

“Dublin Castle, 15 September 1668.—Captaine Henry Webb within named is hereby required, within ten dayes after sight or notice hereof,

¹ See Ninth Report of this Commission, Part ii., 1884, p. 600.

² See p. 11.

to make answeare in writing to this petition, and to shew cause (if any he can) why the timber and other materials therein-mentioned should not remaine where they now are for his Majestie's service. And, until we shall give further order concerning the said timber and other materials, the same are not to be removed, but to continue in the place where they are; whereof as well the Sheriff of the county of Sligo as all others whom it may any way concerne, are to take notice.—**Ossory.**"

Patrick Tweedy.—Recovery of amount due by Edward Bolton, of Colonel Dillon's troop.—19 September 1668.

Teige Fitzpatrick.—"That one David Corcran, of Colonel Dillon's troope, hath for three yeares robbed him of his corne and other moveables in the King's County, to weary your petitioner of his farme. May it please your Excellencie to require the said Corcran to desist troubling your petitioner, and that the said justices of peace in the said county may be directed to apprehend him and binde him to the good behaviour. And your petitioner, etc.

"Dublin Castle, 19 September 1668.—"We thinke not fit to give any other order upon this petition than to leave the petitioner at liberty, as hereby we doe, to take his remedy by due course of law against the within named David Corcran, notwithstanding his military capacity.—**Ossory.**"

Richard Grey.—Recovery of amount due to petitioner and Elizabeth Tipping by Joseph White, of Lord Annesley's troop.—24 September 1668.

George Cooke, of Irishtown, county Kildare.—Quiet possession of rectorial tithes of Straffan, (leased to petitioner by Sir Thomas Armstrong's former agent), notwithstanding new lease to another party by the present agent; and praying that the latter may be prevented from employing soldiers to take possession of same under the new lease.—23 September 1668.

Nathan Bentley, of the parish of St. Nicholas within-the-walls, Dublin.—Recovery of amount advanced to Captain Hungerford for the use of his men.—30 September 1668.

John Freeman.—Recovery from Colonel Willoughby, of money lent to Marmaduke King, deceased, of his company.—29 September 1668.

John Andrewes, prisoner in Maryborough, Queen's County.—Leave to proceed against John Short, a soldier, for having conveyed to England a person liberated on bail, against whom petitioner had an action for debt pending.—28 September 1668.

John Boyse and Robert Dodson, farmers for granting licenses, plaintiffs; Thomas Glassopp, defendant.—Affidavit of service of order on defendant, requiring him to give the satisfaction demanded, etc.—2 October 1668.

William Wright.—Certificate and order on petition for ten months' arrears due for service as Sergeant to Colonel Cecill's company.—2 October 1668.

Nathaniel Philpott.—Recovery of amount due by Captain Robert FitzGerald, of Lord Shannon's troop.—7 October 1668.

William Webb.—"That your petitioner was lately actually possessed, by vertue of an assignment from John Baxter, Esquire, now Comptroller of your Lordship's Household, of a mannor and lands in the barony of Ratoath and county of Meath called Donamore and Bullstowne, on

MSS. OF
MARQUIS OF
ORMONDE.

which your petitioner had the last harvest 30 acres of wheate-corne, 30 acres of meslin, and 20 acres of beare-corne, together with 10 acres of March beare barley, and oates, whereof he hath been dispossessed by the said John Baxter. Now forasmuch as your petitioner is left in a most sad and deplorable condition, scarce able to releive himselfe, his wife, and their six small children: May it please your Excellencie to grant your order for the sueing of the said John Baxter, that your petitioner may take his due course in law against the said John Baxter. And your petitioner, etc.

“Dublin Castle, the 9th of October, 1668.—“The petitioner is at liberty to take his legal remedy against John Baxter, Esquire, notwithstanding any priviledge he hath by his dependency upon the Lord Lieutenant of the kingdome or upon us.—Ossory.”

Gerard Irvine.—Recovery of amount due by Lieutenant-Colonel George Stewart.—10 October 1668.

Margaret, widow of Sergeant Jacob Bainbridge.—Payment of ten months' arrears due to her late husband for service in Sir Thomas Wharton's company; with certificate and order.—14 October 1668.

Walter Ledwich, plaintiff; Thomas Whitney, defendant.—Affidavit of service of order, requiring defendant to give satisfaction or to shew cause, etc.—14 October 1668.

Thomas Dicker.—Requesting discharge from Sir Arthur Gore's company, and permission to reside in Galway.—6 October 1668.

Anne Mathues.—Recovery from William, Lord Brabazon, of salary, etc., due to petitioner as his house-keeper.—16 October 1668.

William Toxteth.—Recovery of arrears of rent due by Alexander Shenton, of the troop of the Earl of Drogheda.—20 October 1668.

Henry, Viscount Kingsland.—Recovery of arrears of rent due by Captain Adam Molyneux.—23 October 1668.

Eleanor Lock, alias Dracott.—Recovery of arrears of rent due by John Lock, of the life guard.—23 October 1668.

Joseph Bunbury.—Recovery of debt from Robert McNeale, of the life guard.—24 October 1668.

Edward Briscoe, brewer.—Leave to proceed against John Sheppard, of the battle-axe guard, for defamation of character.—24 October 1668.

Edward Briscoe.—Recovery of amount due by William Potter, of the battle-axe guard.—24 October 1668.

John Thorpc.—Recovery of money lent to Robert Turner, of Dublin, a soldier in the Earl of Arran's company.—24 October 1668.

Richard Young.—Recovery of amount due by Robert Newcomen, Deputy Muster-Master, and John Lock, of the life-guard.—26 October, 1668.

Humphrey Bell and Richard Hacker, late of Captain Pigott's company.—Readmission to that company.—27 October 1668.

Henry, Earl of Thomond.—Corporals George Jaques, William Martin, and Benjamin Aldhouse, of Colonel Cary Dillon's troop, to be restrained from disturbing, under an Exchequer acquittance, petitioner in Clare.—27 October 1668.

Martin Folkes, on behalf of the Earl of Anglesey.—Leave to proceed against Colonel Howard St. Leger, for the recovery of money, etc.

entrusted to him by Captain Donovan for the use of Lord Anglesey.—
23 January 1667–8.¹

Inhabitants of the parishes of Palmerstown and Ballyfarmott [Dublin].
—“That your petitioners’ estates lying convenient for graseing such cattel as come to be sould at Dublin, by which they have made most part of the profit out of their said estates, but your petitioners, and those that grase with them, have since the shutting in of his Majestie’s Parke noe way to bring their cattell to the markt but through the cittie and suburbs of Dublin, in part of which the passages are so straight that the cattel give offence, and therefore some persons have killed several of them and others have been spoyled in the said streets, whereby the persons that formerly grased with your petitioners are discouraged and drive their cattel to more remote places, which causeth the petitioners’ lands to lye waste. They, therefore, most humbly pray your Excellencie to give order that the petitioners may have liberty to drive such cattel as belong to or are grased on the lands of the said two parishes through the said parke entering at the south gate that leads to Killmainham, and so through the east gate that leads to Oxmantowne Greene, and that this liberty may continue for the space of foure moneths, your petitioners or they that drive through doing noe prejudice unto any of his Majestie’s concerns in the said parke. And they, etc.

“Dublin Castle, the 27th of October, 1668.—Upon consideration of this petition, we are pleased hereby to grant the request thereof in such manner and for such time as is thereby desired, whereof all persons whom it may any way concerne are to take notice, and so allow the petitioners the benefit of this our order, provided that neither they nor any of them, nor such person or persons as shall be employed by any of them in driving cattel through his Majestie’s parke shall not doe any prejudice to his Majestie’s interest therein.—OSSORY.”²

Rowland Williams.—Recovery of rent arrears issuing out of lands in the county of Louth.—27 October 1668.

Keane Carroll.³—“That your Excellencie was pleased upon the exhibition of the annexed petition to enlarge the time of his departing out of the kingdome unto your petitioner until the 15th day of November next, as by your Excellencie’s gracious order thereupon appeareth. Now, soe it is, may it please your Excellencie, that your petitioner’s former insalubrity and weaknesse of body as yet continueing renders him unable without the manyfest danger of his life to expose himself to any travaile in this winter-like season. Which considered, and that your petitioner is very ready to give the same security and conditions which formerly he gave for his loyalty, inoffensive and civil behaviour and conformity to his Majestie’s lawes and statutes in this kingdome: May it therefore please your Excellencie, for the tender mercy of God, and towards the safety of your petitioner’s health, to grant him time, upon the said former security and conditions, to remaine in the kingdome until the last day of February next, and upon the renewing of his present bonds to order the cancelling of the former. And your petitioner, etc.

“Dublin Castle, the 29th of October, 1668.—We are pleased that the time, by our order of the 10th of August last, enlarged for the petitioner’s departure out of this kingdome, be further enlarged until the last day of February next, and that he may in the meane time remaine in

¹ This petition is addressed to the Duke of Ormonde.

² See p. 79.

³ See pp. 62, 74.

MSS. OF
MARQUIS
OF ORMONDE.

this kingdome, he giving to the Clerke of the Councel the like bond and security which formerly he did give upon our order aforesaid, with condition that he shall, by or before the said last day of February, depart out of this kingdome and not returne thereinto without the lycence of the Chief Governor or Governors of this kingdome, which for the time shall be, in writing, to be first obtayned for such his returne, and that whilst he shall remaine in this kingdome he shall behave himselfe inoffensively and as becometh a loyal subject, without acting anything contrary to the lawes or statutes of force here, in which condition words are also to be inserted and to be part of the said condition, that if we, or other the Chief Governor or Governors aforesaid, shall order that the petitioner shall, before the said last day of February aforesaid, depart out of this kingdome, he shall depart accordingly within ten dayes after notice of such order shall in writing be left at the now dwelling-house of James Comerford, scituate in St. James's street without St. James's Gate in the suburbs of the city of Dublin, and not returne thereunto without such lycence as aforesaid, and upon the petitioner's giving such security as aforesaid, the bonds by him and his sureties formerly given to the Clerke of the Councel, in pursuance of our said former order, are to be cancelled; whereof the said Clerke of the Councell is to take notice, and to cancel the same accordingly.—OSSORY."

Thomas Sandon and Mary, his wife.—Recovery of rent arrears due by Jason Whittroe, Quarter-Master in Captain Bertye's troop.—30 October 1668.

Robert Tennant, saddler.—Recovery of amount due by Edward Trevor, of Lord Dungannon's troop.—2 November 1668.

Erasmus Rippon, Sergeant-at-Mace, Wexford.—Leave to proceed against Ensign James Pollexfen for having assaulted petitioner while arresting him under a warrant.—3 November 1668.

Katherine Manwaring.—Permission to sue Thomas Bedborough, Quarter-Master in the Earl of Ossory's troop, for recovery of property in the Queen's County, left to petitioner by her late husband, Donagh Bray, and now wrongfully withheld by her daughter, Bedborough's wife.—2 November 1668.

Bryan Heyne,¹ farmer of Sheriff's Customs for cattle coming to market on the south side of the city of Dublin.—Praying that the order granting permission for cattle, grazed on the lands of the inhabitants of Palmerston and Ballyfarmott, to be driven through the Phoenix Park to Oxmantown Green, may be suspended.—11 November 1668.

Richard Lord.—Recovery of debt from Constantine Raven, of Viscount Shannon's troop.—10 November 1668.

Keane Carroll.²—"Dublin Castle, the 13th of November, 1668.—Having by our foregoing order of the 29th of October last directed that it should be part of the condition of the bond in that our order mentioned that if we, or other the Chief Governor or Governors of this kingdome, shall order that the petitioner, Keane O'Carroll, shall before the last day of February next depart out of this kingdom, he shall depart accordingly within ten dayes after notice of such order in writing shall be left at the dwelling house of James Comerford, in our said order of the 29th of October aforesaid named, and not returne into this said kingdome without the lycence of us, or other the Chiefe Governor or Governors aforesaid, we are now pleased and doe hereby order that the tenn dayes' notice by that order directed to be left at the said house of

¹ See pp. 79.

² See pp. 74, 79.

the said James Comerford shall be and stand enlarged for thirty dayes; whereof the Clerke of the Counsel, who by our order aforesaid is to take the bond with the condition thereby directed, is to take notice, and to draw the said condition accordingly.—Ossory.”

Nicholas Bayly,¹ Major.—Recovery of rent arrears from lands in the county of Louth, from James Smallwood, one of the Deputy Muster-Masters.—10 November 1668.

Randal [Fleming], Lord Baron of Slane.—“That whereas by the Act of Explanacion the Lord Lieutenant, or other Chiefe Governor of this kingdom for the time being, may assess any summe not exceeding three pence per acre profitable land, plantacion measure, or lands which is decreed to any person of the Popish religion, as by the same Act may appeare, your petitioner further sueth that your petitioner is in the assessing thereof overcharged, as your petitioner is to make appeare, and for redresse therein humbly petitioned his Grace the Lord Lieutenant, who thereupon ordered a respite thereof until further order that your Excellencie as your petitioner is informed issued orders for levying thereof on your petitioner’s lands your petitioner still being overcharged and had no reliefe therein. Your petitioner’s humble request to your Excellency is that your Excellency may be pleased to order a respite for the same until your petitioner be eased in the overcharge and be admitted to shew cause wherefore your petitioner should not pay the same. And your petitioner will pray, etc.

“Dublin Castle, 16 November, 1668.—John Bence and Alexander Bence, Esquires, and such person or persons as are by them employed to collect the money above mentioned, are to respite the leavying of any sum there on the petitioner’s estate for the space of six weekes from the date hereof, to the end that, if the petitioner can in that time make it appeare to us how far and which way he is overcharged for the moneys above mentioned, we may give such further order for his reliefe as shall be found just.—[Ossory].”

Arthur Chichester and John Chichester.—Complaining of simultaneous prosecutions carried on against them in different courts, concerning charges made by Henry Hemsworth and his wife; and requesting that they may be prosecuted at Common Law only.—15 November 1668.

Pierce Martin, Captain.—Requesting to be examined touching Edward Harman’s accounts—in connexion with which matter he was bound not to quit the kingdom—in order that he might speedily be able to leave on his own business.—11 November 1668.

Edward Butler,² Esquire, son of the Lord Viscount Mountgarrett.—“That your petitioner being accidentally engaged in the wounding of one William Roberts, without any malice or evil will towards him, he, the said Roberts, shortly after dyed, and the petitioner submitting himselfe to his tryal for the fact was found guilty of manslaughter, and having had the benefit of his clergy, and reading as the law requires in like case, his judgement by law is burning in the hand, the petitioner humbly prayeth that your Excellencie will be pleased to extend his Majestie’s mercy unto him and to grant him his Majestie’s pardon for the said fact, and all penalties and forfeitures thereby incurred, and that, until he may have time to passe the said pardon, the burning of the hand may be forborne. And your petitioner, etc.

¹ See p. 70.

² See p. 82.

MSS. OF
MARQUIS
OF ORMONDE.

“Dublin Castle, the 19th of November, 1668.—We pray the Judges, before whom the petitioner was tryed, to certify us how the matter for which hee stands convicted did appeare upon his tryal, together with their opinion whether they conceive him to be an object of his Majestie’s mercy. And to the end the petitioner may have reasonable time to solicit the report of the said Judges therein, the execution of the judgement of burning him in the hand is to be respited for the space of ten dayes from the date hereof; whereof all his Majestie’s officers whom it may concern are to take notice.—OSSORY.”

Viscount Mountgarrett.¹—“That, in order to the raiseing of three pence per acre for the Irish Agents, your petitioner hath not bin onely overcharged for his estate that he possesseth in the county of Kilkenny, but also the said charge hath bin imposed on him for lands not in his possession, whereby your petitioner is like to be much prejudiced except by your Excellency relieved. Forasmuch therefore as it appeares by the annexed certificate² of the Sub-Commissioners that the persons in possession of the particulars therein mentioned ought to be taxed onely, and to the end that right may be done to your petitioner: It may please your Excellencie to order that your petitioner be not taxed with the said acrage money of any lands, for which the persons in possession of the same are already charged, and to respite the levieing of the said moneys until the matter be determined. And your petitioner shall pray, etc.

“Dublin Castle, 17th November 1668.—Such persons as are concerned in the taxing, assessing, and leavieing the moneys above mentioned are to take care that the petitioner be not charged upon account of those moneys any more nor otherwise than by the Act of Parliament concerning the same is directed and required.—OSSORY.”

William Fitzgerald, Lieutenant-Colonel.—Recovery of debt from Lieutenant William Supple.—30 March 1668.³

George Houghton, merchant.—Recovery of amount due by Lord Power, a member of the army.—25 November 1668.

Baron of Dunsany.⁴—Renewal of order to Court of Exchequer.—16 November 1668.⁵

Edward Butler, Esq., son of Viscount Mountgarrett.—“That upon a late petition⁵ exhibited to your Excellencie, you were pleased the 19th of this moneth to direct the Judges, before whom the petitioner was tryed in his Majestie’s Court of Chief Place, and found guilty of the manslaughter of one William Roberts accidentally wounded whereof he afterwards dyed, should certify your Excellencie how the matter appeared upon his tryal, with their opinion, and that the execution of the judgement for burning in the hand should be respited for ten dayes. But the Lord Chief Justice of the said Court being indisposed in health and not coming to Court, and the other Judges being unwilling to report without his Lordship, the said ten dayes draw towards an end, and noe report like to be had during this terme. The petitioner humbly prayeth your Excellencie to enlarge the said respite until the last day of the next terme, before which time the petitioner doth hope to obtaine the report and opinion of the said Judges and to make himselfe appeare

¹ Edmund Butler.

² Not in the MS.

³ This petition is addressed to Ormonde.

⁴ Christopher Plunket, tenth Lord Dunsany.

⁵ See p. 81.

to your Excellencie capable of his Majestie's pardon for the said fact. And your petitioner, etc.

"Dublin Castle, the 26th of November 1668.—Upon consideration of this petition, we are pleased that the respite of the burning the petitioner in the hand for the matter above mentioned be enlarged until the last day of the next Hillary terme, whereof all his Majestie's ministers and officers, whom it may any way concern, are to take notice.—OSSORY."

Michael Harrison.—Recovery of debts from Roger Smith, of the horse life-guards.—26 November 1668.

Captain Philip Carpenter.—"That your petitioner with others concerned in a [16]49 lott in the county of Mayo, whereunto Sir Arthur Gore had been tenant, he doth detain the rent that was due from the terr tenants for the yeare before the same was sett out. That he hath taken from the petitioner's tenants by force one ayrey [eyrie] of hawkes of the said lands, and refuseth to give satisfaction for the same. They therefore pray your Excellencie to compel him to deliver the said rent, hawkes, and lands, or to give them liberty to take their course at law against him. And they, etc.

"Dublin Castle, the 27th of November, 1668.—If Sir Arthur Gore above named shall not within tenn dayes after sight or notice heereof give the petitioner satisfaccion concerning this matter, we leave the petitioner at liberty to take his legal remedy against him, notwithstanding his military capacity.—OSSORY."

John Warren.—Payment of moiety of ten months' arrears for service as Ensign to Sir Daniel Treswell; with certificate.—6 November 1668.

Thomas Boyd, merchant.—Recovery of amount due for wine by Charles Horne, of the life guard.—4 December 1668.

Henry, Earl of Thomond.—Order on petition for preventing soldiers in Colonel Carey Dillon's troop from disturbing petitioner's tenants in Clare.—8 December 1668.

Stephen Keene.—Recovery of debt from Thomas Maguire.—14 December 1668.

Walter Kirkham Blunt.—Leave to sue Sir William Flower, and others, of the army, in order to recover possession of lands.—15 December, 1668.

Edward Veel and Anne Reading, executors of John Veel, late Cornet to Lieutenant-Colonel Moses Hill.—Payment of arrears.—5 January, 1668-9.

William Lane.—"That your petitioner loyaly served his Majestie in the fleet in the late war against the Hollander and French, and was one that discovered the plot¹ in May, 1663, to his Grace the Lord Lieutenant and to Sir George Lane, his Grace's Secretary, against Warren and the rest. That your petitioner is at present destitute of any employment. May it therefore please your Excellencie to order that the petitioner may be admitted a souldier in what company your Excellency shall think fit in the regiment, whereby your petitioner may be further capable to serve his Majestie. And your petitioner, etc.

"Dublin Castle, the 12th of January 1668[-9].—Upon consideration of the within petition, we think fit and are pleased hereby to recommend the petitioner to the Earle of Arran, Colonel; Sir William Flower, Knight, Lieutenant-Colonel; and Sir John Stephens, Knight, Major of

¹ In reference to this plot, see Eighth Report of this Commission, appendix, p. 502, and Ninth Report, appendix, p. 126.

MSS. OF
MARQUIS
OF ORMONDE.

his Majestie's regiment of guards, or any of them to be admitted a souldier in any of the companyes thereof wherein a vacancy shall first happen.—OSSORY.”

Edward Musgrave.—Arrears for service in troop of Lord Glenaullly ;¹ with certificate.—14 January 1668-9.

Andrew Sterling.—Arrears for service in Lord Berkeley's troop.—14 January 1668-9.

Mary Welbancke, for her husband, Ralph Welbancke.—Arrears for service in the Earl of Mount Alexander's troop.—12 January 1668-9.

Sir John Ponsonby, Knight.—“ A petition desireing to be excused from being Sherrieff of the county of Carlow (to which he is named), in regard he is a councellor at law, and desires the benefit of that auncient priviledge. Referred to the Councell Board to bee considered there.—28 January 1668[-9].”

John Bor,² of Dublin, merchant.—“ That your petitioner hath formerly paid to Lieutenant Carleton, one of the Lieutenants in the royal regiment, towards his quarters in the parish of Saint Kevan, severall weekeley summes amounting to fifty-foure pounds, ten shillings sterling. That there is but one yeare elapsed since your petitioner served his Majestie as Sheriffe of the county of Dublin, which he discharged loyally and faithfully, to the best of his skill, but not without great charge and damage to his meane estate. That the said Lieutenant Carleton hath sent notice to your petitioner that he intendeth to quarter upon him now againe. The premisses considered, your suppliant humbly prayes your Excellencie would be graciously pleased to grant an order that your petitioner may be respited from quartering till your Excellencie's further pleasure. And he, etc.

“ Dublin Castle, the 12th of January 1668[-9].—If Lieutenant Carleton be quartered upon the petitioner, and that thereby the petitioner be overcharged for quarter, the Seneschal or other officer who hath quartered the said Lieutenant upon the petitioner is hereby required to see that the petitioner be eased and that he be not charged with more than shall be equal and according to such proportion as other persons of his quality doe beare.—OSSORY.”

Nathaniel Carr, Clonmel, merchant.—Recovery of amount due by William Tuksbury, senior, and William Tuksbury, junior, under the command of Sir Francis Foulke and Captain Butler.—22 January 1668-9.

John Freeman.—Recovery of debt from William Kennell, of Lord Shannon's troop.—12 January 1668-9.

Richard Barry.—Recovery of debt from Lieutenant Sir Thomas Newcomen.—27 January 1668-9.

Robert Thornhill.—Exemption from quartering Lieutenant Carleton.—28 February 1668-9.

Keane Carroll,³ “ a Dominican fryer.”—“ That, upon a petition preferred unto your Excellencie by the petitioner, the 29th of October last, in regard of the petitioner's weaknes of body and disability to travel beyond sea, your Excellencie was pleased to inlarge the former time appointed by your Excellencie for his departure out of this kingdom until the last day of this instant February, upon his giving security to depart the kingdome by that time and not to returne without lycence of the

¹ See p. 73.

² See p. 95.

³ See p. 80.

Chiefe Governor or Governors for the time being. And the petitioner's weaknes and disabillity still continueng, and like to hold longer, your petitioner now most humbly beggeth that your Excellencie will be pleased to grant him lycence to remaine in this Kingdome, he givinge sufficient bonds and security to appeare before your Excellencie or any other Governor within tenn dayes after notice shall be left at the house of James Comerford in St. James's street, without St. James's Gate in Dublin, and that he shall at all times behave himselfe inoffensively and as becometh a loyal subject, without acting anything contrary to the lawes or statutes of this land, and on givinge such security, the former bonds given by the petitioner to be cancelled. And he, etc.

"Dublin Castle, the 9th February 1668[-9]—We haveing been pleased, by our order of the 29th of October last, given on the petition of the now petitioner then exhibited unto us, to enlarge the time formerly given him for his departure out of this kingdome until the last day of this month, we are now pleased, upon consideration of this petition, to order that the petitioner may continue in this said kingdome for the time of three moneths after the said last day of this moneth, he givinge to the Clerke of the Councell the like bond and security which formerly he did give in pursuance of our order of the 29th of October aforesaid, with condition that he shall, by or before the end of the three moneths herein before mentioned, departe out of this kingdome and not return thereinto without the lycence of the Chiefe Governor, or Governors thereof which for the time shall be, in writinge to be first obtayned, for such his returne, and that whilst he shall remain in this kingdome he shall behave himselfe inoffensively and as becometh a loyal subject without acting anything contrary to the lawes or statutes of force here. In which said condition words are also to be inserted, and to be part of the said condition, that if we, or other the Chiefe Governor or Governors aforesaid, shall order that the petitioner shall before the end of the three moneths aforesaid (hereby allowed the petitioner to remaine in this kingdome) depart out of this kingdome, he shall departe accordingly within tenn dayes after notice of such order shall in writing be left at the now dwelling-house of James Comerford, scituate in St. James's street without St. James's Gate in the suburbs of the city of Dublin, and not returne into this said kingdome without such lycence as aforesaid, the last bond given by him and his sureties to the Clerke of the Councel upon our said order of the 29th of October aforesaid is to be cancelled, whereof the said Clerke of the Councel is to take notice and to cancel the same accordingly.—OSSORY."

John Archer, mariner.—Praying that Cornelius Cullen and John Doyle, condemned prisoners in Newgate, may be reprieved and transported to Jamaica in petitioner's vessel; with certificate and order.—11 February 1668-9.

Henry Echline,¹ Richard Steele, Walter Rawleigh, Edward Jukes, George Houghton, James Halsey, John Fletcher, Daniel Hignett, William Hanaway, and Charles Norwood, gentlemen.—"That your petitioners were admitted and sworn clarkes of the Registry of the late Court of Claymes sitting at Dublin, and constantly attended and faithfully and honestly discharged that employment for the space of three yeares last past. That George Phillips and John Jeffryes, Esquires, late Registers of the said Court, doe refuse to give any reasonable satisfaction to the petitioners for their said service, but doe leave them to take their remedy against them in law. And for as much as the said Jeffryes is an officer and member in the army here in Ireland and cannot

¹ See p. 88.

MSS. OF
MARQUIS
OF ORMOND.

be sued at Common Law without your Lordship's lycence first had, the petitioners therefore humbly pray your Lordship to grant unto them your licence to sue the said John Jeffryes either at Common Law or in Equity, as the petitioners shall be advised. And they shall pray, etc."

"Dublin Castle, 11 February 1668[-9].—John Jeffryes, Esquire, is required, within tenn dayes after sight or notice hereof, to show us cause in writing (if any he can) why the petitioners should not be at liberty to take their legal remedy against him for the matter above mentioned, notwithstanding his military capacity.—OSSORY."

John Huish.—Recovery of amount due by William Summers, of the Court of Exchequer.—9 February 1668-9.

Andrew Lynne.—Recovery of debts from members of the army.—17 February 1668-9.

Francis Rogers.—Like petition.—20 February 1668-9.

Theobald [Taaffe], Earl of Carlingford,¹ and Thomas, Viscount Dillon.—Continuation of respite of quit-rents, etc. on their estates, as previously ordered.—26 February 1668-9.

Richard [Boyle], Earl of Cork and Burlington, Lord High Treasurer of Ireland.—Recovery of debt from Lieutenant Henry Pyne, of Colonel Randal Clayton's company.—22 February 1668-9.

John Chamneys, Dublin, merchant.—Praying that the Customs officers may be ordered to deliver to petitioner "birding-pieces" and powder sent to him from England.—25 February 1668-9.

George Crafford, gunsmith, Dublin.—"That your petitioner served his apprenticeship with Mr. Dornell, your Excellencie's gunsmith, now deceased, and that he hath now upwards of twelve months followed the same employment upon his owne account, and hath had the conveniency only of a shop neare the posterne gate of the Castle, wherein he hath faithfully and knowingly served several of your Excellencie's followers and others. May it therefore please your Excellencie to grant your petitioner the conveniency of the house wherein Mr. Dornell lately dwelt, whereby he may be more at readynesse to serve your Excellencie as a gunsmith, which he doubts not by God's blesseing to effectuate both knowingly and honestly. And your petitioner shall ever pray.

"Dublin Castle, the 15th of February 1668-[-9].—We are pleased that the petitioner forthwith enter into the house in the lower yard of this Castle belonging to his Majestie, wherein John Dornell, deceased, did lately live, and that the petitioner be allowed to live therein and enjoy the roomes and conveniences of the said house which the said Dornell had; whereof all persons whom it may any way concerne are to take notice and to permit the petitioner to enter and enjoy the same accordingly.—OSSORY."

Margaret Healy, widow.—Recovery of debt and arrears of pay due to her late husband by Captain Gilbert Swinhoe.—26 February 1668-9.

Denis Foye, of the Earl of Ossory's troop.—Removal of cheques from pay.—27 February 1668-9.

John Clignett, administrator of Abraham Van Hugareden, merchant.—Recovery of debts from Sir William King and Sir Francis Fowke.—3 March 1668-9.

¹ See p. 69.

William Brookes.—Complaining of assault committed by Henry Read, corporal in Lord Berkeley's troop, and James Henley, junior, of Cork, and requesting an inquiry.—4 March 1668-9.

Walter Bourke, attainted of High Treason.—Pardon, in forma pauperis, with certificate and order.—6 March 1668-9.

Thomas Brisbane.—Recovery of debt from Richard Folliard, of Colonel Hammond's company, Wicklow.—6 March 1668-9.

Henry Gray, late Lieutenant to Major George Ingoldesby.—Arrears.—9 March 1668-9.

Thomas Digby, gentleman, "Porter of His Majestie's Castle of Dublin."—"That Robert Astwood, with whom the petitioner was joynt patentee of the office of his Majestie's porter of the said Castle, did exhibite the annexed petition¹ to your Excellencie the 18th of July 1665, concerning a celler and a roome over it assigned for his residence in reference to his office aforesaid, which celler and roome being thought convenient for your Excellencie's use, the said Robert Astwood was removed from thence, and upon the annexed certifycate of Sir John Stephens and Captaine John Paine, two other small roomes neere Corke Tower were assigned to the said Robert Astwood in lieu of the roomes from whence he was removed, one of which roomes the petitioner doth possesse and the other is still empty and waste; yet the petitioner is desireous to hold the same, seeing he can finde noe other place wherein to be, and humbly desireth your Excellencie's order to be admitted as well into the roome now empty as the other and hold both the said roomes, the better to attend his duty in the said Castle. And he shall, etc.

"May it please your Excellencie: According to your Excellencie's order within specified, dated the 18 of July 1665, we having examined the petitioner's allegations, doe humbly conceive that the two small low roomes next adjoining to Corke Tower within his Majestie's Castle of Dublin may be best spared your petitioner. All which we humbly certify the 20th of July 1665.—JOHN STEPHENS.—JOHN PAINE.

"Dublin Castle, the 10th of March 1668[-9].—Uppon consideration of this petition, and of the annexed certificate of Sir John Stephens, knight, governor of this his Majestie's Castle, and Captain John Paine; we are pleased that the petitioner may hold and possesse both the roomes in the said petition mentioned until the same shall by further order be otherwise disposed of, whereof all persons whom it may concerne are to take notice and to permit the petitioner to possesse and hold the said roomes.—OSSORY."

Keane Carroll,² "Dominican fryer."—"That upon a former petition of the petitioner's to your Excellencie, the 9th of February last, in regard of the weakenesse of his body and disability to travel beyond seas, your Excellencie was pleased to inlarge the time appointed for his departure out of this kingdome for three moneths after the last of February last, uppou his giving security as formerly, and the petitioner's weaknesse and disability still continueing, and like to hold longer, your petitioner now most humbly beggeth your Excellencie to grant him your lycence to remaine in this kingdome, he giving sufficient security to appeare before your Excellencie, or any other Governor or Governors, within tenn dayes after notice shall be left at the house of James Comerford, in St. James's streete without the Gate, and that he shall in the meane time behave himselfe inoffensively and as becometh

¹ Not in the MS.

² See p. 85.

MSS. OF
MARQUIS
OF ORMONDE.

a loyal subject without acting anything contrary to the lawes or statutes of this land, and on givinge such security the former bonds given by your petitioner to be cancelled. And he shall ever pray, etc.

"Dublin Castle, the 12th of March 1668[-9].—Upon consideration of the within petition of Keane O'Carroll, we are pleased that he may remaine in this kingdome, notwithstanding our order of the ninth of February last, or any former order of ours for his departure thereout, provided that within ten dayes after the date hereof he give bond with sufficient security to the Clerke of the Councel, to his Majestie's use, of the penalty of five hundred pounds sterling, with condition that he shall personally appeare before us, or other the Chiefe Governor or Governors of this kingdome which hereafter shall be, within ten dayes after notice for such his appearance shall be left in writing at the now dwelling-house of James Comerford, scituate in the streete called St. James his streete without St. James his Gate in the suburbs of the cittie of Dublin, and not departe without lycence in writing of us, or the Chiefe Governor or Governors aforesaid, and that, whilst he shall remaine in this kingdome, he shall behave himselfe inoffensively and as becometh a loyal subject without acting anything contrary to the lawes and statutes of force in this kingdome. And, upon the petitioner's giving such bond and security as is hereby directed, the last bond given by him and his sureties to the Clerke of the Councel upon our said order of the ninth of February aforesaid, is to be cancelled; whereof the said Clerke of the Councel is to take notice and to cancel the same accordingly.—OSSORY."

Mary Cox, widow, and executrix of William Cox.—Recovery of amount due to her late husband by members of the army.—11 March 1668-9.

Henry Echline,¹ Richard Steele, Walter Rawleigh, Edward Jukes, George Houghton, James Hallsey, John Fletcher, Daniel Hignett, William Hanaway, and Charles Norwood, gentlemen, plaintiffs; John Jeffreys, Esquire, defendant.—"5 March 1668[-9]: Thomas Jordan made faith that on the 18th day of February last past he shewed to the defendant, John Jeffryes, the Right Honorable the Lord Deputy's order, dated the 11th of February, 1668[-9], whereby the said John Jeffryes, was required, within ten dayes after sight or notice thereof, to shew cause in writing (if any he could) why the plaintiffs should not be at liberty to take their legal remedy against him for the matter mentioned in the plaintiffs' petition, notwithstanding his military capacity. Copia vera.—MATHEW BARRY.

"Dublin Castle, 16 March 1668[-9].—It appearing, by the within affidavit, that our order therein mentioned was on the 18th day of February last shewed to the defendant, John Jeffryes, Esquire, and he not having shewed any sufficient cause to induce us to forbear haveing him to be sued at law, we are pleased hereby to grant the plaintiffs, Henry Echline, and the rest in the said affidavit named, our lycence to take their remedy by due course of law against the said defendant, notwithstanding his military capacitie.—OSSORY."

Baron of Howth.²—Recovery of amount due by Thomas Lee, of the guard of battle-axes.—5 March 1668-9.

Edward Cashen, prisoner at Maryborough.—Pardon, in forma pauperis, for misdemeanour committed before his submission under the proclamation for submission of "Tories"³; with certificate.—15 March 1668-9.

¹ See p. 85.

² William St. Laurence, Baron of Howth.

³ See p. 39.

Henry Lowth.—Recovery of purchase-money of land from William Chappell.—20 March 1668-9.

Thomas Hamson, corporal in troop of Lord Glenawley.¹—Praying to be discharged and paid his arrears.—20 March 1668-9.

Edward Stubber.—Recovery of rent arrears due by Captain Charles Hawkins.—23 March 1668-9.

Robert Cole.—Renewal of warrant for moiety of ten months' arrears due for service under Sir John Cole.—23 March 1668-9.

Thomas Lutterell.—Recovery of debt from Paul Bush, of Lord Roscommon's troop.—24 March 1668-9.

Elizabeth Moore, alias Wheeler.—Leave to sue her husband for maintenance.—29 March 1669.

Stephen Sly.—Recovery of debt from Richard Butterfield, of the troop of the Earl of Anglesey.—31 March 1669.

Thomas Clinton.—Recovery of debt from Robert McNeill, of the guard.—12 April 1669.

Archibald McMullan, late soldier in Captain John Moreton's company.—Recovery of arrears of pay transmitted to Captain Anthony Maslay, or to the Ensign of the company, for petitioner; with certificate.—2 April 1669.

Sir John Develier.—Removal of check from his pay, imposed for overstayed leave.—30 March 1669.

Katherine, relict of Lieutenant-Colonel George Stewart.—Recovery of amount due to petitioner's late husband by Lieutenant Thomas Nicholls, of Sir Charles Hamilton's troop.—7 April 1669.

Sir Thomas Fortescue,² Knight.—“That there remaines due to the petitioner, and his father, Sir Faithful Fortescue, deceased, as Constables of the Castle of Carrickfergus, and to the warders of the said Castle, ten moneths' pay, ending the 27th of July, 1662. The petitioner, considering the scarcity of money in his Majestie's Treasury, being contented to accept of a moyety thereof in satisfaction of the whole, he humbly prayeth your Excellencie will be pleased to order the Muster-Master to state the same and make a warrant for payment of the said moyetie to your petitioner and the warders. And he shall pray, etc.

“Dublin Castle, the 15 of April 1669.—The Muster-Master General, or his Deputy, is to state the arrears above mentioned and to prepare a warrant for payment of a moyetie thereof to the petitioner in full satisfaction of the whole, and present the same unto us for our signature.—OSSORY.”

Nicholas Aunsham.—Recovery of rent-arrears due on lands in the county of Dublin by Robert Farrer, of the life-guard, and Edward Bolton, of Colonel Dillon's troop.—17 April 1669.

Theobald [Taafe], Earl of Carlingford.—Praying that Trevor Lloyd, Cornet in Lord Dungannon's troop, may be called to account for having cut and spoiled corn and rendered a mill, on petitioner's land in the county of Louth, useless.—7 April 1669.

Edward and William Crofton, late of Lord Collooney's troop.—Payment of ten months' arrears.—20 April 1669.

Arthur St. George, Lieutenant, and Henry St. George, Ensign to Colonel John Bramston.—Renewal of warrants for payment of arrears.—21 April 1669.

¹ See p. 73.

² Ancestor of Earls of Clermont.

MSS. OF
MARQUIS
OF ORMONDE.

Andrew Hewetson.—Praying that his pardon may be passed in forma pauperis.—2 May 1669.

Officers and soldiers of the troop of the Earl of Donegall—"That about twelve moneths since your petitioners had an assignment for £205. 18s. 1d. on the lands of Sir Henry O'Neile in the county of Antrim, about which they have been at great costs and charges, but can get no satisfaction, and upon a late demand to Sir Henry O'Neile's agent, he shewed your Excellencie's order (a copy whereof is hereunto annexed)¹ by which the quit-rent due out of the said estate is respited till Michaelmas terme next; yet the petitioners cannot get the said assignment changed without your Excellencie's order to that effect. May it therefore please your Excellencie to give order to Mr. Corker to take in the said assignment, and in lieu thereof to pay your petitioners in ready mony that they may be equally provided for as the rest of the army. And your petitioners, etc.

"Dublin Castle, the 29th of April 1669.—Uppon consideration of this petition, wee thinke fit and doe hereby order that the Vice-Treasurer's Deputy, takeing in the assignment formerly given the petitioners give them their said pay in money, or give them solvent assignments as thereby they may receive satisfaction for the same.—OSSORY."

Edmund Kilkenny.—"Setting forth that he hath been two yeares prisoner for debt, and now his creditor out of pity has freely discharged the same, and he now stands committed only for £15. fees; formerly lived in good condition, but is now like to dye in prison; and praying a collection in all the churches in Ireland; which petition was the 27th April referred to the Lord Primate who made the certyficat following:—'May it please your Excellencie; in obedience to your commands, I have considered of the within petition, and in regard the petitioner is of great yeares and a decayed gentleman (of the truth whereof I am fully satisfied by the testimoney of persons of honor hereunto annexed)² I am humbly of opinion it will be a great act of charity in your Excellencie to grant the petitioner the benefit of a collection in the several Cathedrals and parish churches in the city and suburbs of Dublin, and throughout the province of Leinster, whereby the petitioner may be freed from his restraint. All which I humbly certify and submit, etc.—JA. ARMACHANUS.³

"Dublin Castle, the 30th of April 1669.—Uppon consideration of the above certyficat of his Grace, the Lord Archbishop of Armagh, Primate and Metropolitan of all Ireland, we are pleased hereby to recommend the petitioner, Edmund Kilkenny, to the Deanes of the severall Cathedral churches, and to the ministers of the severall parish churches in the city, and suburbs of the city, of Dublin, and throughout the province of Leinster, for collections to be had for him in all the said churches, towards his reliefe, provided that hereof there be not any use made longer than for the space of six moneths from this day.—OSSORY."

Richard, Lord Coote, Baron of Collooney.—Praying that Captain Robert Oliver may be called to account for having extorted by force, with the aid of soldiers, his own rents and his Majesty's quit-rents from Captain Lewis Griffith.—1 May 1669.

Mathew Cole.—Recovery of debt from William Potter, of the Battle-axe guard; with certificate.—13th March 1669.

Joan Barker, widow.—Payment of ten months' arrears due to her late husband for service in Sir Oliver St. George's troop; with certificate.—29 April 1669.

¹, ² Not in the MS.

³ James Margetson, Archbishop of Armagh.

Mathew Doing, tailor.—Recovery of debt from John Lock, of the life-guard.—16 March 1669.

Robert Walsh.—Recovery of amount due to petitioner, as executor to John Walsh, by Anthony Cope, of the life-guard.—3 May 1669.

William, Earl of Strafford.—Recovery of debt from John Wapoole [Walpole].—4 May 1669.

Mary Rennells, widow, St. George's Lane, Dublin.—Praying that all arrears due to the late Gilbert Heath, for service in Lord Colooney's troop, may be paid over to petitioner as his administratrix, etc.—4 May 1669.

William Bayly, a minor, by his father.—Recovery of legacy, left by Anderly Byrne, from his executor, Lieutenant William Packington, of Captain Carteret's company.—5 May 1669.

Major Richard Goodwin, Lieutenant to Captain Adam Leicester.—Removal of cheque on pay imposed for absence during illness; with certificate.—7 May 1669.

Randal Moore, Cornet in Colonel Cromwell's troop.—Removal of cheque from his own and his servant's pay, imposed for absence in connexion with petitioner's law-suit with Lady Sterling.—6 May 1669.

John Clauer, of his Excellency's life guard.—Praying that his pay— withheld by Mr. Osborne, clerk to the guard, on foot of debts owing by petitioner's predecessor—may be allowed to him.—5 May 1669.

John Gaich.—Leave to sue Major Broughton, and soldiers under his command, for recovery of debts.—7 May 1669.

Margaret Litle.—“At the last general sessions of the peace and gaole delivery at Killmainham for the county of Dublin, your petitioner was condemned before Sir William Aston, Knight, and the rest of the Justices for the said county, for the stealing of three pounds, eighteen shillings, and several peeces of linen, the goods of Patrick Toule, of Pimlico, baker, which your suppliant did confesse uppon her examination, and the said Patrick had his goods and money againe; and your petitioner beeing a very poore woman, destitute of friends, humbly prays your Excellencie will be mercifully pleased to give order to the said Justices to make report to your honor if they doe think your suppliant a fit object of his Majestie's mercie to be transported for the Barbadoes, or elsewhere beyond the sea. And, etc.

“The Justices before whom the petitioner received her tryal are to certify us how the matter for which she stands convicted did appeare when she was tryed, together with their opinion whether they conceive her to be an object of his Majestie's mercie.—OSSORY.

“May it please your Excellencie :—In obedience to your Excellencie's above order of reference, we hereby humbly certify that at the general sessions of the peace held at Kilmainham for the county of Dublin, 14 January, anno regni Regis Caroli Secundi Angliæ, etc. 19, annoque Domini 1667, the within petitioner was indicted and tryed before us for the within mentioned felony, which both uppon her examination before her said tryall and at her said tryall, also she freely confessed, and was thereuppon (and uppon full evidence) thereof convict[ed], and received sentence of death. But uppon consideration of her ingenious confession and the passionate sorrow she exprest, the Court reprieved her, conceiving her then (as we humbly still conceive her to bee) a fitt object of his Majestie's Royall mercy. All which is most humbly submitted to your Excellencie's just consideration this 3rd day of May, 1669, by your Excellencie's most humble servants. — WILLIAM ASTON. — THOMAS WORSOPP.

MSS. OF
MARQUIS
OF ORMONDE.

"Dublin Castle, the 7th of May, 1669.—Upon consideration of the foregoing certifiyate of Sir William Aston, Knight, and Sir Thomas Worsopp, Knight, two of the Justices before whom the petitioner Margaret Little was tryed, wee are pleased that if any merchant or other person shall give bonds with sufficient security to the Sheriffe of the county of Dublin, to his Majestie's use, of the penalty of one hundred pounds sterling, with condition that the petitioner shall within two moneths after shee shall bee enlarged out of the prison wherein shee doth now remaine, shipp herselfe on board some shipp or other vessell bound for the Newfoundland, Barbadoes, or some port in America, and shall not come on shoare untill she shall bee landed in some of those places, the Sheriffe, or the gaoler under whose custody shee lyes, uppon the givinge such bond as aforesaid shall set her at liberty.—OSSORY.

Katherine Paine, widow and administratrix of James Paine.—Payment of moiety of ten months' arrears due to her late husband as Sergeant in Sir James Middleton's company.—11 May, 1669.

Edward Bolton, one of the commanded men of Colonel Dillon's troop.—Praying that the claim of Nicholas Aunsham may be satisfied out of petitioner's pay, and that the order permitting Aunsham to sue him may be stayed.—11 May, 1669.

Robert Farrer, of the Life Guard.—Like petition.—11 May, 1669.

Mrs. Mary Kavenagh, widow.—"That on Munday, the 10th of this instant May, one Mr. Boyle Burt, Quartermaster unto the troop quartered in Limerick, with many more in his company, beeing all armed with firelocks, pistolls, and swords came to your petitioner's house at Burrowes, in the county of Carlowe, under what pretence or colour of right your petitioner knoweth not, and did in a riotouse and hostile manner enter forcibly into your petitioner's house, your petitioner being then in this cittie about her lawfull affaires, and did turne out your petitioner's servants, and the possession of the said house doe still detainne in a very hostile manner, not suffering your petitioner's servants either to have meate or drinke for their releife, or take away the seed-corne that was left by your petitioner in her house to be sowne, but do threaten any of your petitioner's servants that shall come neare the house; the truth whereof may appeare to your Excellencie by the oath of one of your petitioner's servants now in this towne. May it therefore please your Excellencie, in regard the said Burt is a member of the army and now in this cittie, to cause him to appeare before your Excellencie and shew cause, if any he can, wherefore he hath turned your petitioner out of her possession, and doth still detainne the same, contrary to all equity and the lawes of the land, to your petitioner's utter ruine, if not relieved by your Excellencie. And your petitioner, as in duty bound, will ever pray.

"Dublin Castle, the 14th of May 1669.—Boyle Burt, the Quartermaster against whom the petitioner doth complaine, beeing now in towne is hereby required to make present answeare in writing to this petition.—OSSORY."

William Cooper, of Lord Collooney's troop.—Ten months' arrears.—15 May 1669.

Walter Tuite, Esquire, "sonne unto Andrew boy 'Tuite' of Cullinmore in the county of Westmeath."—"That your petitioner is one of the fifty-foure persons called 'Nominees,' mentioned in the Act of Explanatio to bee restored to their chiefe mansion-house and 2,000 acres most contiguous, after souldiers and Adventurers had been reprimed. Your

¹ See "Contemporary History of Affaires in Ireland, A.D. 1641-52," Dublin. 1879-81, vol. iii, p. 445.

MSS. OF
MARQUIS
OF ORMONDE.

petitioner past a certifficate in the Court of Claymes of his chiefe house and 2,000 acres, according to the Act, that of the petitioner's estate there was retrenched by souldiers and adventurers, as also of surplus or concealed lands, 687 acres, as appeares by the annexed certifficate of the Sub-Commissioners; that the petitioner is reduced to a very lowe condition by his expence and attendance in the Court of Claims, so that he is disabled at present to sue out his patent of the said retrenched, plus and concealed lands. Wherefore he most humbly prays your Excellencie to give order unto the Barons of his Majestie's Court of Exchequer to grant unto the petitioner a custodiam of the lands aforesaid, at the quit-rent, during his Majestie's pleasure. And he, etc.

"Dublin Castle, the 19th of May 1669.—If it shall appeare unto our very good Lord, the Lord Chiefe Baron, and the rest of the Barons of his Majestie's Court of Exchequer, that the lands which the petitioner doth desire to have in custodiam be in his Majestie's disposall, the said Barons are to issue a custodiam thereof to the petitioner, to continue during his Majestie's pleasure at such moderate rent as they shall think fitt.—OSSORY.

WALTER TUTE, Esquire.

—	Denominations of Lands.	Irish Acres Profitable.	What of the said lands are retrenched, and by whom.	Irish Acres Profitable.	What lands are unretrenched, and in whose possession the same were, at the time of the adjudication of the clayme.	Irish Acres Profit- able.
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COUNTY OF WESTMEATH.

Moycashell and Magheridernon Barony.

The Ad- ventu- rers sur- vey more than the Downe	Cullenmore, and two islands in Loughfoyle	A. R. P. 391 0 0	Thomas White.	A. R. P. 64 0 0	Robert Good- win, 391 acres, which is the totall in the Downe Survey	A. R. P. 391 0 0
	Robinstowne	290 0 0	Norton Wes- trow. ¹	128 0 7	Norton Wes- trow.	68 0 3
	Cullenbegg	359 3 8	Moyses Jen- kyns.	52 0 0	Robert Good- win.	224 1 35
	Brockagh	123 2 8	—	—	Robert Cooke Robert Good- win.	83 1 13 123 3 8
	Monyleagh	452 3 24	Moyses Jen- kins. Honora Thompson. ²	41 2 31 117 0 0	Moyses Jen- kins. —	221 1 9 —

Corkerry Barony.

Killinaglissee and Garry- nerry, part ³	381 3 24 ⁴	Robert Sterne. —	— 36 3 19	Robert Sterne William Disney John Ebzery	189 0 1 50 0 0 26 2 30
	2,000 0 0	Total of re- trenched and un- disposed lands	678 3 17		1,387 1 1

JOHN PETTIE.
T. TAYLOR.THO. TAYLOR.
JOHN PETTIE.

¹ "Rest not found adjudged. 47 acres, 48 acres, 3 rds. 8 p. not found claymed or adjudged to any other save the claymant."

² "Seventy-one acres not adjudged to any, save the claymant as yet found."

³ "Not found claymed or adjudged to any other, save the claymant."

⁴ "Memorandum: That the last mentioned particular was 80a. 0r. 34p. [which] by the Downe Survey are returned 'unprofitable,' although by the souldiers accepted and sett out for 'profitable.'"

MSS. OF
MARQUIS
OF ORMONDE.

William, Earl of Strafford.—Recovery of debt from John Wockham, of the troop of the Earl of Anglesey.—25 May, 1669.

Henry [Jones],¹ Lord Bishop of Meath.—Recovery of debt from William Hawes, of Lord Roscommon's troop.—25 May, 1669.

Lady Jane Dowdall.—Exemption from Treasury assignments on lands restored to her in the county of Meath, they having been issued for recovery of amount due to the Crown by Sir William Lemon and Thomas Coote, who had only a reversionary interest in the lands.—25 May, 1669.

Ambrose Aungier, cornet in Sir Moses Hill's troop.—Removal of "respite" on his pay.—21 May, 1669.

Robert Oliver, Captain.—Renewal of warrant for payment of moiety of his ten months' arrears for service in Captain John St. Leger's company.—25 May, 1669.

Alderman John Preston.—"That the last terme one Rice Havard was convicted and condemned in the Court of King's Bench, Dublin, for takeing some things from your petitioner, which since your petitioner hath gott againe most of them. That your Excellencie was graciously pleased to reprieve him for tenn days, and in regard hee is a young man and this is the first fault (as I am informed) of that kinde that hee committed, and is very penitent for the same, hee seemes to bee an object of mercy, your petitioner therefore most humbly prayeth your Excellencie's order that hee may bee transported for the West Indies in the shipp "John and Mary" now bound for the Barbadoes, where hee may by God's grace amend his life and prove serviceable to his King and country. And hee shall ever pray, etc.—JOHN PRESTON.

"Dublin Castle, the 26 of May [16]69.—Sir William Aston, Knight, second Justice of his Majestie's Court of Chiefe Place in this kingdome, before whom Rice Havard in this petition named was tryed, haveing certifyed us that the said Havard was convicted for the breaking and entring the dwelling-house of the petitioner, in the night time, and feloniously takeing from thence certaine peeces of pewter and other goods of the petitioner's, to the value of twenty pounds, and the petitioner making his humble request unto us (as within doth appeare) that the said Havard may bee transported into the West Indyes, wee are pleased and doe heereby order, that if any merchant or other person with sufficient security will give bond to the Clerke of the Counsell, to his Majestie's use, of the penalty of one thousand pounds sterling, with condition that the said Rice Havard shall, within fifteen dayes after hee shall bee delivered out of the prison wherein hee doth now remaine, shipp himsele in some shipp or other vessell bound for some part of the West Indyes and shall not come on shoare untill hee shall bee landed there, nor returne from thence into this kingdome without lycence from the Chiefe Governor or Governors heere for the time being to bee in writing first obtained, upon certifycate of the said Clerke of the Councell of givinge such bond as aforesaid, the Sheriffe, or gaoler under whose charge the said Rice Havard doth remaine, shall sett him at liberty and deliver him to such merchant or other person or persons as shall engage for him to the purpose aforesaid.—OSSORY."

"Dublin Castle, 8 June 1669.—We are pleased, uppon further explanation on the behalfe of Rice Havard in the above order mentioned to reprove the said Rice Havard for ten days from the date hereof

¹ See Eighth Report of this Commission, Part i., 1881, p. 713.

and do heereby order that if, within the said ten dayes, the said Rice Havard doe give in security for his transportacion as before mentioned, the Sheriffe or gaoler aforesaid shall pursue the contents of the former order, whereof the Sheriffe and all other persons are to take notice.—OSSORY.

“This above order was brought downe, drawne and signed, by Collonel Jeffreys, to be entred, and by him taken away.”

Order, 16 June 1669, on petition of Richard Cannaday [Kennedy], Dublin, merchant, that he and another should be accepted as security for Rice Havard by the Clerk of the Council.

Bartholomew Doyle, Proctor of Office for Consistorial Court of the diocese of Meath.—Leave to summon several members of the army as witnesses in petitioner's suit against John Crookeshanke, D.D., Vicar of Trim.—24 May 1669.

Eleanor Fitzherbert, widow, London.—Recovery of amount due to petitioner's late husband by Richard Phillips, one of the Muster-Masters.—25 May 1669.

Arnold Power.—Ten months' arrears for service in Colonel Redman's¹ troop.—28 May 1669.

Roger Jackson and Charles Davenport.—Recovery of amount due by Lieutenant Thomas Evelin.—2 June 1669.

Henry Grindy.—Ten months' arrears for service in Lord Grandison's troop.—2 June 1669.

Richard, Lord Coote, Baron Colooney.—Replication to answers of Captain Robert Oliver, George Taylor, John Bedvins, and Alexander Frizell, and requesting a hearing on matter of petition.—4 June 1669.

Edward Bolton, one of the “commanded men” of Colonel Cary Dillon's troop.—Reference, certificate, and order on petition respecting arrears of rent due by petitioner to Nicholas Aunsham.—4 June 1669.

Robert Farrer, of the Guard of Horse.—Reference, certificate, and order on petition relative to rent-arrears due to Nicholas Aunsham.—4 June 1669.

John Bor,² Esquire.—“That your petitioner being High Sheriffe of the county of Dublin for the yeare 1667, there issued a writt unto him out of his Majestie's Court of Chiefe Place to take Stephen Gelder at the suite of Samuel Marsden and Mary, his wife, uppon which the said Stephen was taken and committed to Kilmaynham gaole for want of bayle, where hee continued till, by the solicitation of one Thomas Lawrence, a blacksmith, your petitioner's then Under-Sheriffe, Mr. Edmond Todderick, tooke him, with some other inconsiderable persons, to bee bayle for his appearance, who beeing sett at liberty did not appeare, so that your petitioner was fined in £40 or £50, and sued by the plaintiff for an escape and forced to compound the debt That the said Thomas Lawrence, soone after his entring into the said bond inlisted himselfe in Captain Hungerford's company in the Royal Regiment, on purpose to hinder your petitioner or his said Under Sherriffe to gett any remedy against him. May it therefore please your Excellencie to grant possitive lycence to sue the said Thomas Lawrence at common law without any notice to be given him. And hee, etc.

¹ Daniel Redman was a Parliamentary Commissioner in Ireland in 1652. See “Facsimiles of National MSS. of Ireland,” Part IV. 2, Introduction, p. xcix. London. 1884.

² See p. 84.

MSS. OF
MARQUIS
OF ORMONDE.

"Edmond Todderick within named came before mee this day and made oath that the within named Thomas Lawrence inlisted himselfe in the said company presently after his being bound for the said Gelder's appearance, and that this deponent verily belcevetth that the said Lawrence knowes where the said Gelder is, and where to finde him, and that hee also verily believes that if the said Lawrence have the accustomed notice before hee bee arrested, that hee will keep out of the way and not be found to answer the petitioner's complaint. And this deponent further deposeth that hee hath compounded the debt with the within named plaintiff, Marsden, for £30, and hath paid part and secured the rest.—EDMOND TODDERICK.

"Jurat coram me, 3 die Junii, 1669.—J. WESTLEY.

"Dublin Castle, the 4th of June 1669.—Uppon consideration of the within petition and the above affidavit, wee are pleased heereby to leave the petitioner and his Sub-Sherriffe at liberty to take his or their remedy by due course of law against Thomas Lawrence in the said petition named, notwithstanding his military capacity.—OSSORY."

Henry, Earl of Thomond.—Recovery of debts from Sir William King and Colonel Francis Willoughby.—2 June 1669.

William Healy, formerly of Lord Colooney's troop.—Order on petition for ten months' arrears.—22 May 1669.

"The petition of the two Quires of Christ Church and of St. Patrick's, Dublin."—"That severall rectories and impropriations returned by the respective Archbishops and Bishops to the Councell Board, in obedience to the order thereof, have been already passed into patent for the use of your petitioners, in the name of his Grace Michael [Boyle], Lord Archbishop of Dublin, etc., and his successors for the time beeing, and in the name of Dr. John Parry and Dr. Thomas Seele, Deanes of the two Cathedralls of Christ Church and of St. Patrick's and their successors for the time being. That those following rectories and impropriations, viz., two third parts of the tithes of Timolin, in the county of Kildare, lately belonging to — Archbold; two third parts of the tithes of Westpalstowne,¹ in the county of Dublin, lately belonging to — Finglasse; two third parts of the tithes of Palmerstowne, in the county of Dublin, lately held by Sir John Dungan, out of lease; two third parts of the tithes of Kilerath; three pounds per annum out of the tithes of Munckstowne, alias Mountaine, in the county of Dublin, lately held by [blank] Cheevers, out of lease; six pounds per annum out of the tithes of Rathmore, in the county of Kildare; the whole in all worth about £40, all in the diocese of Dublin; the rectory of Cabra, in the county of Sligoe, in the diocesse of Elphyn; the impropriate tithes of the rectory of Mothell, in the county of Waterford, of the value of £40. per annum, in the diocese of Lismore; the impropriate tithes of the Grange, in the parish of Killane; the impropriation of Tullabane Temple, in the parish of Liskerig or Killcoverin; the impropriation of Lislerin, formerly belonging to Thomas Bourke, of Pallis; the impropriation of Gortnemannagh, in the parish of Killcreest, belonging to Sir Richard Blake; the impropriation of Farrinnimannagh, belonging to Sir Richard Blake, in the parish of Kilegeleene; the impropriation of Clonkeenkerill, in the parish of Clonkeenkerill, belonging to Sir Andrew Lynch; the impropriation of the parish of Drumacrowe; the impropriation of Killmurrey, in the parish of Finagh; the impropriation of Kinvarra, in the parish of Kinvarra; the impropria-

¹ See "History of the Irish Confederation and War in Ireland, 1641-1643." Dublin: 1882, vol. ii., p. 215.

tion of Killinvarra, in the parish of Killinvarra. These are in the common estimation worth about £35 per annum, all in the diocese of Clonfert. The rectory of Teadmore and Glinogra, in the county and diocese of Limerick; the impropriate tithes of the halfe parish of Toughatye, in the county of Mayo; the impropriate tithes of certaine quarters of land called Cloghbrannagh, in the parish of Drumenagh, in the diocese of Tuam; the impropriate tithes of Blanchvillstowne, in the county of Kilkenny, and diocesse of Ossory; the rectory of Barragh, in the county of Catherlogh and diocesse of Leighlin, being parcell likewise returned by the respective Archbishops and Bishops, as aforesaid, and which have also passed the approbation of the said Councill Board, as by the annexed certifficate¹ under the hand of Mr. Mathew Barry may appeare.

"May it therefore please your Excellencie to require the Auditor-General to make out the particulars of these above mentioned rectories and impropriations, and withall to add a fifth parte of increase of rent, by way of augmentation, according to the rule of Councill in that behalfe, and that the particulers beeing soe made out and addition made as aforesaid that your Excellencie will be pleased to grant a warrant for passeing of the same into patent in the name of his Grace, Michael, Lord Archbishop of Dublin, etc.; and of Dr. John Parry and Dr. Thomas Seele, Deanes of the Holy Trinity and of St. Patrick's, Dublin, for the use of your petitioners. And they will pray.

"Dublin Castle, the 7th of June 1669.—We require his Majestie's Auditor and Surveyor forthwith to make out a particular of the severall rectories and impropriations in the within petition mentioned, with such increase of rent to bee reserved to his Majestie, by way of augmentation, as by order of the Councill Board is prescribed in that behalfe, and the same fairly ingrossed in parchment under their hands to send unto us to bee further passed, as appertaineth. For doeing whereof this shall be a sufficient warrant.—OSSORY."

Robert Boswell, of Lord Grandison's troop.—Ten months' arrears.—June 1669.

Elizabeth Ludlam.—Ten months' arrears due to her late husband for service in Lord Aungier's troop.—2 June 1669.

Owen Roberts, formerly of the company of the Duke of Albemarle.—Ten months' arrears for service in it.—10 June 1669.

Edward Price, Lieutenant to Major John Beversham.—Ten months' arrears for service in Sir Robert Hannay's company.—10 June 1669.

John Kent, formerly of Captain William Rosse's company.—Ten months' arrears.—9 June 1669.

Gamaliel Moorehouse, formerly of Lord John Butler's troop.—Ten months' arrears.—11 June 1669.

Thomas Juxon.—Leave to sue Colonel Thomas Coote, for breach of covenant in conveyance of lands in the county of Meath.—10 June 1669.

John Magrath.—Recovery of amount due for goods supplied for the use of "commanded men;" with certificate, order, and list.—2 June 1669.

John Dickson.—Recovery of amounts due by Mathew Pennyfather, Quarter-Master of Earl of Desmond's troop, and by John George, a soldier under the command of Sir William King.—15 June 1669.

¹ Not in the MS.

MSS. OF
MARQUIS
OF ORMONDE.

Sir Oliver St. George.—Praying that all arrears, etc. due to the late Lieutenant Christopher Mathews may be detained in the Vice-Treasurer's hands, pending trial of petitioner's claim on same.—15 June 1669.

Lieutenant Edward Harwood.—New warrant for ten months' arrears.—12 June 1669.

Robert Bumstead and Thomas Lalum.—Ten months' arrears for service in Lord Falkland's troop.—17 June 1669.

John Barrett.—Leave to take proceedings, for defamation of character, against Francis Lullam, of Galway, a soldier in Sir James Cuff's company.—17 June 1669.

Walter Bourke.¹—"Dublin Castle, 20th of Aprill 1669.—Wee haveing, by our order given the 24th of August last, upon the annexed petition² of Walter Bourke in the within certifycate and order named, ordered that the Judge of Assize before whom hee received his tryall should certify us concerning the matter of fact in the said petition conteyned, together with his opinion whether hee conceived the said Walter Bourke to bee a fitt object of his Majestie's mercy, and that in the meane time his execution should bee respited; and the said Judge thereuppon, haveing, the 11th day of September last, made the said within certifycate to us, wee were pleased, uppon consideracion thereof, by our within order of the 6th of March last to referr the same to bee considered at the Councell Board, and then also ordered that the revivall of the said Walter Bourke, granted by the said Judge, should bee continued untill the next Summer Assizes, after the date of that our order, to the end that there might bee further consideration of him at the said Board. And wee having afterwards there considered and advised with his Majestie's Privy Counsell concerning the matter, uppon such consideration and by and with the advice of the said Counsell, wee are pleased to extend his Majestie's mercy to the said Walter Bourke for the matter for which hee stands convicted: Provided that hee have not had any hand in murther. And wee heereby require his Majestie's Attorney and Solicitor-Generall, or either of them, to draw up a fiant in due forme of law, conteyning his Majestie's gracious pardon to the said Walter Bourke for the matter aforesaid and of all paynes, penalltyes, punishments and forfeitures whereunto hee doth thereby stand subject or lyable, provided as aforesaid, inserting in the said fiant such other provisoes, non obstantes and clauses as in like cases are usuall, and the same, fairly ingrossed in parchment under their or one of their hands, to send unto us to be further passed, as appertaineth. And in regard of the poverty of the said Walter Bourke appeareing by affidavitt, wee are pleased that the said pardon shall passe in forma pauperis, whereof all officers whom it doth concerne are to take notice.—OSSORY."

James Colvill, formerly of Sir Arthur Forbes's troop.—Ten months' arrears.—17 June 1669.

Hugh Sterling, Clerk.—Praying that a caveat may be entered in the Secretary's Office against Christopher Kerdyffe's claim to a vicarage and rectory held by petitioner under patent.—25 June 1669.

"Richard, Lord Power, Baron of Curaghmore, Captaine of a company of foote in his Majestie's army in this kingdom: Uppon his Lordship's petition desireing halfe his tenn moneths' arrear as Captaine, in satisfaction of the whole, which became due between the 21 of October,

¹ See p. 87.

² Not in the MS.

1661, and the 27th of July 1662, an order to the Muster-Master to state the said arreare and to make a warrant for payment of halfe accordingly, dated the 25th June 1669."

John Lylles, Clerk, executor of Alderman Henry Bindon, of Limerick.—Renewal of warrant for payment of arrears due to Bindon.—17 June, 1669.

Amy Woodcock.—Recovery of amount due to her late husband by Randal Moore, a member of the army.—23 June 1669.

Peter Flower, Captain.—New warrant for ten months' arrears for service in Lieutenant Sir Thomas Gifford's company.—3 July 1669.

Golden Morrise, formerly of Sir Francis Hamilton's troop.—Ten months' arrears.—2 July 1669.

Thomas Lane, formerly of Lord Grandison's troop.—Like petition.—5 July 1669.

"Charles Graves, formerly of the Lord Grandison's troop.—A petition for halfe his ten months' arreare, in full of the whole, and a direction to the Muster-Master to make a warrant for a moyety."—3 July 1669.

Moses Hill, Lieutenant-Colonel.—Removal of cheque placed on his pay for absence in Dublin at law-suits.—5 July 1669.

Mary Missett, alias Claxam, widow.—Ten months' arrears due to her late husband for service in Lord Berkeley's troop.—5 July 1669.

Samuel Hill.—"That upon the 24th of October last, late at night, there came foure of Major Royden's troop to your petitioner's house, viz., Thomas Masden, John Coe, William Hartley, and John Metcalfe, who violently broke open your petitioner's doores and turned your petitioner's children out of their beds. That, on the 26th of the said moneth, Thomas Conway, Lieutenant of the said troop, came behinde your petitioner and pulled him downe and struck and abused him, your petitioner haveing given him noe cause soe to doe. And your petitioner further sheweth that, on the 30th of June last, Robert Conway, Quarter-Master of the said troop, without any order from the Mayor of Coleraine, where the said troop lyes, ordered two of the troopers to quarter upon your petitioner, and about eleaven or twelve of the clock that night, hee, the said Quarter-Master, with six or eight more of his men, came and broke open your petitioner's doores, and entred his house, and turned a poore sicke woman out of her bed, who hath been sick this halfe yeare and more, without any regard to her condition, though shee is likelier to dye than to live, and ordered other of his troopers to guard the two troopers that hee had quartered on your petitioner, where they ranted, drunke, and swore, leaped and danced all that night. And further sheweth that those two who pretend to bee quartered on your petitioner, with the rest of their fellow troopers who come dayly to your petitioner's house, yet keep it as an ale-house, with drinking and pipeing, so that your petitioner cannot have the liberty of his owne house for himselfe and his family. May it therefore please your Excellencie to grant to your petitioner your Excellencie's order to take such legall course against the said Lieutenant Thomas Conway and Robert Conway, Quarter-Master, Thomas Masden, John Coe, William Hartley, and John Metcalfe, as the law hath provided for the punishing such unlawfull actions soe violently committed by the above said officers and souldiers; and also to grant your Excellencie's order to the Mayor of Coleraine to examine the truth of these particulars, and to take such course as in your wisdom may seem fitting for the security of your

MSS. OF
MARQUIS
OF ORMONDE.

petitioner and his family, and that your petitioner may have the liberty of his owne house. And your petitioner shall ever pray, etc.

"Dublin Castle, the 6th of July 1669.—The persons against whom the petitioner doth by this petition complaine, and every of them, are heereby required, within eight dayes after sight or notice heereof, personally to appeare before us in the gallery of this Castle to answeare the said petition. At which time and place the petitioner by himselfe or his agent or attorney is likewise to appeare, to the end that, upon hearing what shall bee offred and appeare on all sides, concerning the miscarriages by the petitioner alleged, wee may give such further order as shall appeare to bee fitt.—OSSORY."

Thomas Coote, Colonel.—Removal of check placed upon his pay during absence in Dublin in connexion with the passing of his patent.—5 July 1669.

James Harwood, formerly of the troop of the Duke of Albemarle.—Ten months' arrears.—5 July 1669.

Sir Oliver St. George, Knight and Baronet.—Payment of arrears due to Christopher Mathews.—6 July 1669.

George Richardson, of Drogheda.—"That your petitioner, being a private inhabitant of the said towne, was notwithstanding appointed by the Sheriffes to provide quarter for Sir William Fitzgerrald, Lieutenant of the Earl of Drogheda's troop; which though hee humbly conceives they ought not to have done, yet your petitioner did provide a convenient chamber furnished for his quarter, which the said Sir William, because of his being in the country, haveing noe occasion to make use of the same, refused it, and would (after your petitioner was at considerable charges to provide a convenient quarter for him) have money for the same which your petitioner refuseing to give, the said Sir William sent a Corporall and some troopers, and violently entring into your petitioner's house, to the affrighting his wife and family, did take away five pewter dishes to the value of £5 sterling, which hee still detaineth, contrary to law and justice, as your petitioner humbly conceives. May it therefore please your Excellencie to grant your order, requireing the said Sir William Fitzgerrald to restore unto your petitioner his said goods. And, etc.

"Dublin Castle, the 9th of July 1669.—Sir William Fitzgerrald within named is heereby required forthwith to restore to the petitioner his goods taken from him in manner as by this petition is set forth, and also, within foure days after sight or notice heereof, to answeare the miscarriage by the said petition laid to his charge.—OSSORY."

William Dormor, Lieutenant.—Removal of checks on pay, and restoration to Colonel Dillon's troop.—22 June 1669.

Richard Thomlinson and William Williams, formerly of Lord Berkeley's troop.—Ten months' arrears.—17 July 1669.

William Brooke, formerly of Lord Aungier's troop.—Like petition.—7 July 1669.

William Freind, formerly of Lord Colooney's troop.—Like petition.—9 July 1669.

Thomas Makes, formerly sergeant in the company of the Duke of Ormonde.—Like petition.—10 July 1669.

Stephen Sanders and Edward Hillton, formerly of Sir William Meredith's troop.—Like petition.—12 July 1669.

John Kirkham, formerly of Sir Oliver St. George's troop.—Like petition.—12 July 1669.

Mark Welsh, convicted of robbery.—Praying to be admitted to bail, pending application for pardon.—14 July 1669.

Christopher Kerduffe, Clerk. — Praying that petitioner and his brother-in-law, Oyner Loyd, may be allowed to proceed against Andrew Sterling for assault, etc., and for preventing petitioner from letting tithes in Meath.—22 July 1669.

Robert Bowyer.¹—Certificate of the Attorney-General relative to conveyance of petitioner's interest in lands included in the Phoenix Park, Dublin.—27 January 1668-9.

William Ogleby, under sentence of death, in Wicklow gaol, for robbery.—Reprieve with a view to obtain pardon or commutation of sentence.—24 July 1669.

Francis Eaton, formerly corporal in Colonel Daniel Redman's troop.—Ten months' arrears.—25 February 1668-9.

John Brodwell, formerly in Sir Henry Tichborne's troop. — Like petition.—14 July 1669.

Margaret Harman, relict and administratrix of Edward Harman.—Appointment of an attorney by "the commanded men," to receive money.—24 July 1669.

Thomas Makes.—Ten months' arrears as Sergeant in the company of the Duke of Ormonde; with certificate.—20 July 1669.

Edmond Hackett.—Complaining that petitioner's lands in Meath, on being included in grant to the Duke of Ormonde, were rendered liable to a rent prejudicial to petitioners; and requesting removal of Sir Robert Byron's soldiers, charged with executing an assignment of the rent.—24 July 1669.

George Gibbs, formerly of Captain Bertie's troop.—Ten months' arrears. 25 February 1669.

Walter Athy, Galway, merchant.—Discharge on bail, no proofs having been exhibited in support of the charge against him as to export of wool.—31 July 1669.

Richard Colgan.—Reprieve from execution for robbery, with the view of proving his innocence.—2 August 1669.

Nicholas Darcy, Esq.—"That your petitioner being with the rest of his estate by decree in the late Court of Claymes possessed of the lands of Platin and Cresty in the barony of Duleeke and county of Meath, the quit-rent thereof due to His Majestie hath been and is still respited by order of the Court of Exchequer untill next Michaelmas terme, on a plea entred unto the said charge on his said decree of Innocencie. That the Earle of Anglesey haveing charged the said lands with a patent rent, which is not to reflect on your petitioner, who comes in by Innocencie, and not under the said patent; and thereuppon assignments are issued from the Receipt Office for payment of £49 4s. 6d. out of the said lands unto Sir Theophilus Jones his troop, and now five of the horsemen are lying on the tenants of your petitioner for the said patent rent contracted by the said Earle of Anglesey, which your petitioner is informed by his Councill is an oppression not warranted by the law of the land. The premisses considered, your petitioner humbly prayeth your Excellencie's order to remove the said horsemen from your petitioner's said lands and

¹ See p. 60.

MSS. OF
MARQUIS
OF ORMONDE.

tenants, and that the Treasury may provide otherwise for the said troop. And your petitioner, etc.

“Dublin Castle, the 30th of July 1669.—It not being lawfull to lay souldiers on any persons, to force them to pay any rent or other moneys due to his Majestie, uppon any assignments out of his Majestie’s Court of Exchequer, wee require the souldiers within mentioned forthwith to draw off from the petitioner and his tenants, and imediately to appeare before us and shew by what authority and order they are layd uppon them for the matter in this petition mentioned.—OSSORY.”

Samuel Hill.—Referring to former order to several officers, etc. of Sir George Rawdon’s troop to answer petitioner’s complaint; and request to be exempted from quartering any but the soldiers named.—3 August 1669.

John Jubbs, of Lord Berkeley’s troop.—Removal of check from pay; with certificate.—4 August 1669.

John Witherington, formerly of the Lord Deputy’s troop.—Ten months’ arrears.—5 August 1669.

Thomas Cuffe, Captain.—Removal of check from pay of soldier in the company of the Earl of Mountrath, enlisted in lieu of one who had died in the Isle of Arran; with certificate.—5 August 1669.

Francis Rolleston, Lieutenant to Sir Daniel Treswell.—Praying that the checked pay of soldiers who were discharged may be transmitted to petitioner for payment; with certificate.—4 August 1669.

Robert Reading and Christopher Lovett.—Recovery of debts.

John Foster,¹ “a condemned prisoner at Catherlogh.”—“That a mare beeing stolne by a person now prisoner in Cavan, your petitioner bought the same of him in the County of Catherlogh, where hee lived neere his wife’s relations, who haveing a great antipathy against him by reason of a breach between him and her (uppon which shee runn away and left him six small children) occasioned their prosecution of your petitioner, alledgeing his stealing the said mare, which hee arowing to have in custody, though innocent of the fact, which can bee made appeare by a letter from Sir Francis Hamilton to Esquire Bulkeley, from one of whose tenants the said mare was stolne. That the said person in Cavan gaole confesst the stealing of her and selling her to your petitioner, which letter your petitioner pleaded, but Esquire Bulkeley not being present at the Assizes, nor haveing sent the letter, the Judges past sentence for your petitioner’s execution on Thursday next being the 12th of this instant August. And for as much as your petitioner’s innocencie can be made appeare, not only by the said letter, but by the Lord Aungier, in a short time, if your Excellencie will be mercifully pleased to grant him some space to that end, hee most humbly beseecheth your Excellencie to grant him a reprieve for a moneth’s space; or such other time as your Excellencie shall thinke fitt, to inable him to make out his aforesaid allegations. And hee, etc.

“Dublin Castle, the 10th of August 1669.—The Judges of Assize, before whom the petitioner was tryed, are to certify us how the matter for which hee stands convicted did appeare uppon his tryall, together with their opinion whether they conceive him to bee an object of his Majestie’s mercy. And, to the end there may bee reasonable time to sollicite the report of the said Judges therein, wee are pleased that the

¹ See p. 105.

execution of the petitioner bee respited for the space of twenty dayes from this day, whereof all his Majestie's officers and others whom it may concerne are to take notice.—OSSORY.

Sir Nicholas Armorer, Knight, Deputy-Governor of Duncannon.¹—“That, by a clause in the Act of Settlement for Ireland and the Act of Explanation thereof, there is granted the yearely value of £300 in lands, as a maintenance for his Majestie's Fort of Duncannon, which lands are accordingly by letters patent settled upon the said Fort. That his Majestie hath been pleased by his letter to settle on your petitioner, as his fee out of the said £300 per annum, 10 shillings per diem, which amounts to £182 10s. Then there remaines £117 10s. to bee disbursed on the said Fort. For such disbursements from time to time, as occasion shall require, your petitioner prayeth hee may have a standing order from your Excellencie for disbursing the said remainder on the necessary repayres of the said Fort, and to bee accomptable for them to the trustees appointed for the said lands as often and in such manner as they shall require. And your petitioner, etc.

“Dublin Castle, the 10th of August 1669.—Wee are pleased that, according to the petitioner's request, he may disburse the one hundred and seventeen pounds and ten shillings in this petition mentioned, in and about the necessary reparations of his Majestie's Forte at Duncannon from time to time, and that hee bee accomptable for the same to the trustees within mentioned.—OSSORY.”

George Cullen, sentenced to death for horse-stealing.—Praying for pardon or transportation to America.—7 August 1669.

Richard Warde, distiller.—Recovery of debt from Constantine Raven, of the troop of the Earl of Drogheda.—12 August 1669.

Stephen Sly.—Recovery of debt from Robert Warren, of the Earl of Anglesey's troop.—13 August 1669.

Mrs. Sarah Wilson.—Permission to proceed against John Anderson, a soldier under the command of Colonel Willoughby, for seduction.—13 August 1669.

John Benson.—Recovery of debts from soldiers.—16 August 1669.

Nathaniel Philpott.—Recovery of debt from Edward Trevor, of Lord Duncannon's troop.—21 August 1669.

Robert Blackmore, prisoner in Longford gaol.—Pardon, in forma pauperis; with certificate.—24 August 1669.

William Potter.—“That your petitioner did pay £20 to Sir Daniel Treswell for his admittance into his Majestie's guard of Battleaxes, and for seven yeares diligently performed his duty without any neglect. That, through the advance of the said £20, and that his pay is in arreare, and moneys owing to him from severall of the army, hee remaines indebted to others. That, uppon Sir Daniel's report to your Excellencie (on the petition of one Mathew Cole for a debt) therein alledgeing that your petitioner was a loose liver, and to bee turned out of the said guard for an example, your Excellencie was pleased to give order for his dismisie. And your petitioner, beeing thereuppon dismiss, is with his family likely to bee utterly ruined. That your petitioner hath agreed with the said Cole and intends, as hee is able to cleere the rest of his debts, hath been and still is of honest conversation paying taxes, etc., and is not a loose liver, but of good repute in the citie of

¹ In county of Wexford.

MSS. OF
MARQUIS
OF ORMONDE.

Dublin, as by the annexed certificate¹ appeares, your petitioner humbly prayes that your Excellencie will bee pleased to order his readmittance and continuance in the said guard; otherwise, that hee may bee repaid his said £20 and the arreares of his pay, and then hee shall bee in a capacity to pay his debts; or to referr your petitioner to bee tryed at a Court Marshall, if hee have committed anything worthy. And hee, etc.

“Dublin Castle, the 23 of August 1669.—If the petitioner conceive hee have cause of suit against Sir Daniel Treswell for the money within mentioned, wee leave him at liberty to take his legall remedy against the said Sir Daniel, notwithstanding his military capacity; and for such arreares of intertainment as remayne due to the petitioner at the time when hee was dismissed out of the guard of halbertiers, hee is to expect payment thereof with the rest of the said guard when they shall bee payd for the time in which the petitioner served.—OSSORY.”

Nicholas Darby.—Recovery of amount due by James Henderson, tailor of the Guard of Horse.—25 August 1669.

“The petition of the two Choyres of Christ Church, and of St. Patrick’s, Dublin.”—“That severall rectoryes and impropriations returned by the respective Archbishops and Bishoppes to the Counsell Board, in obedience to the order thereof, have been passed into patent in the name of his Grace the Lord Archbishop of Dublin, Dr. John Parry and Dr. Thomas Seele, Deanes of the said churches, and their successors for the use aforesaid. That these impropriations following, viz., two-third parts of the tithes of Timolin, in the county of Kildare,” etc.—*See p. 69.*

“May it therefore please your Excellencie to grant your warrant that the said impropriations and rectoryes above mentioned (all or most of which are already in the possession of your petitioners) may bee passed into patent in the name of his Grace the Lord Archbishop of Dublin, etc., and his successors for the time beeing, and in the name of Dr. John Parry and Dr. Thomas Seele, Deanes of the two Cathedralls of the Holy Trinity and of St. Patrick’s, Dublin, and their respective successors for the time being, for the use of the said two Choyres, according to his Majestie’s and his Lord Lieutenant’s and Counsell’s intention in that behalfe, they paying such rents, reservations, and dues out of the said rectoryes to his Majestie as is formerly due out of the same, together with a fifth part more by way of augmentation or increase of rent, according to a late act of Counsell in that behalfe.—OSSORY.”

“Choyres of Christ Church and St. Patrick’s [Dublin].—Wee require his Majestie’s Attorney and Solicitor-Generall, or either of them, forthwith to draw up a fiant, in due forme of law, contayning a grant from his Majestie his heires and successors to such purpose, to such persons, and of such impropriations and rectoryes, as are named in the annexed petition of the two Choyres of Christ Church and St. Patrick’s, Dublin according to the tenor and effect of the Act of Parliament directing the same to bee done, and of the annexed order of the late Lord Lieutenant and the Counsell of this kingdom given the 21st day of February 1667[–8], in pursuance of the said Act of Parliament, inserting in the said fiant all such reservations and other clauses as by the said Act of Parliament and order of Counsell are required, and all such other clauses as in cases in like nature are usuall, and the same, fairly ingrossed in parchment under the hand of the said Attorney and Solicitor-Generall, or under the hand of either of them, to send unto

¹ Not in the MS.

us to bee further passed, as appertaineth, for doeing whereof this shall bee a sufficient warrant. Given at his Majestie's Castle of Dublin, the 28th day of August 1669.--[OSSORY.]”

Anthony Marley, Captain.—Payment of arrears due to John Moreton, formerly captain of petitioner's company, to be applied to liquidation of debt.—30 August 1669.

Edward Brabazon, Captain.—New warrant for pardon; with certificate.—1 September 1669.

Henry Howard, Captain.—Arrears as commander of a foot company at Limerick; with certificate.—28 August 1669.

Sir Oliver St. George.—Benefit of muster for himself and servants during absence.—12 July 1669.

John Foster, “a prisoner at Catherlogh.”—“May it please your Excellency: In obedience to two severall orders, made on the petition of one John Foster, the first,¹ dated the 10th of August last, directed to the Judges of Assize, hefore whom the petitioner was tryed, to certify how the matter for which the petitioner was convicted did appeare upon his tryall, the second, dated the 30th of August, aforesaid, directed unto myselfe, directing mee to certify unto your Excellency how the matter for which the petitioner stands convicted did appeare; I humbly certify to your Excellency that the first referrence came not to the hands of the Judges to whom it was directed, nor did I see the second order till of late. But the matter contayned in both the said petitions was that the petitioner was charged for stealing a mare of the goods of one Richard Jackson, and it was proved that hee was seene the night before neare the lands where the mare did grase, and that the mare was in his custody, which (to the best of my remembrance) hee did acknowledge, but alleaged that hee had bought the mare of one Nixon, who hee said was in the gaole of Cavan, and that Sir Francis Hamilton, Knight, had signified so much to Richard Bulkely, Esquire, one of his Majestie's Justices of the Peace for the county of Wicklow. But Mr. Bulkeley not being present at the tryall, nor sending the letter to make good the petitioner's allegations, hee not proveing the buying of the mare from Nixon, the jury found him guilty and thereupon judgement of death was given against him, after which I had noted that Sir Francis Hamilton did write such a letter to Mr. Richard Bulkeley. This being all which I remember that appeared upon the petitioner's tryall, I humbly offer it to your Excellencie that the petitioner bee reprimed for some reasonable time, to the end that Sir Francis Hamilton bee consulted whether Nixon made any such confession to him, and till Nixon also bee examined whether hee did not sell the said mare to the petitioner; and if hee confesse the selling the mare to the petitioner, that then the petitioner bee reprimed untill the next assizes bee past, at which it may appeare whether the petitioner be guilty of stealing the said mare. All which I humbly certify and submitt to your Excellencie's more serious consideration, this 8th day of September 1669.—JOHN BYSSE.

“Dublin Castle, the 9th of September 1669.—Upon consideration of the within certifycate of our very good Lord, the Lord Chiefe Baron of his Majestie's Court of Exchequer, wee are pleased for the present heereby to order that the execution of the petitioner be respited for three moneths more from the date heereof, to the end in the said certifycate mentioned, whereof the Sheriffe of the county of Catherlogh is to take notice, and to respite his execution accordingly.—OSSORY.”

¹ See p. 102.

MSS. OF
MARQUIS
OF ORMONDE.

Laughlen O'Hanlan, "prisoner at Dundalke."—"That your poore petitioner, at the last Assizes held at Dundalke for the county of Louth, was found guilty of the stealing of a horse of the goods of one Patrick M^cGuerke, and thereuppon judgement of death awarded against him. That your petitioner being but under 18 yeares old, and it appearing to the then Judges that it was his first fault, and inticed thereunto by evill persons they were pleased to reprove the petitioner for a moneth, which time is neere expired. Now forasmuch as your petitioner is young and hath committed noe crime before, and is willing to doe his Majestie service, and resolved to become a new man, may it please your Excellencie to grant him his Majestie's gracious pardon for the said cryme. And hee, etc.

"Dublin Castle, the 7th September, 1669.—The Judges before whom the petitioner was tryed are to certify us how the matter for which hee stands convicted did appeare uppon his tryall, together with their opinion whether they conceive him to bee an object of his Majestie's mercy.—
OSSORY.

"May it please your Excellencie: The petitioner being indicted before us at the last Assizes held for the county of Lowth, for stealing a horse of the goods of Patrick M^cGuorke, the 10th of July last, uppon his tryall and plaine evidence hee was found guilty, and thereuppon received sentence of death, and warrant issued to the Sheriff for putting the same in execution. But, uppon the great importunity used in the behalfe of the petitioner for deferring execution for some small space, wee did direct the said Sheriffe to forbear the execution for about three weeks or a moneth. And as touching the other allegations in the petition mentioned, nothing did appeare to us, save only that it did not appeare that the petitioner had been formerly charged with any cryme of that nature. All which is humbly submitted this 9th of September, 1669.—
J. POVEY.

"Dublin Castle, the 10th of September 1669.—Uppon consideration of the foregoeing certifiacte of Mr. Baron Povey, one of the Judges before whom the petitioner Laughlin O'Hanlan received his tryall, wee are pleased to extend his Majestie's mercy unto the said petitioner for the fact in the said certifiacte mentioned. And wee doe heereby require his Majestie's Attorney and Solicitor-Generall, or either of them, to draw up a fiant in due form of law, contayning his Majestie's gracious pardon to the petitioner for the said fact and all forfeitures, paynes and penalties thereby incurred, inserting in the said fiant all such clauses as in like cases are usual, and the same, fairly ingrossed in parchment under their or one of their hands, to send unto us to be further passed as appertaineth. For doeing whereof this shall bee a sufficient warrant.
--OSSORY."

MANUSCRIPTS OF THE RIGHT HONORABLE THE EARL
OF FINGALL, KILLEEN CASTLE, IRELAND. BY
JOHN. T. GILBERT.

MSS. OF
THE EARL OF
FINGALL.

The principal manuscript in this collection, on which some remarks have been made in the Tenth Report of the Commission, bears the following title, now partly obliterated :—

“ A Light
to
the Blind ;
Whereby they may see
The . . . Dethronement
of
J[ames] the Second, King of England :
With
[A br]ief Narrative of his warr
in Ireland :
and of the warr [between] the Emperor
and the King of [France]
for
The Crown of Spain.

Anno 1711.”

This work is the production of an earnest advocate of the Stuart cause, and of the rights of the Roman Catholics in Great Britain and Ireland. It is divided into three “ books,” the first and second of which, consisting of upwards of 900 pages of small quarto paper, are bound together and lettered, “ Plunket’s Irish Hist[ory], Vol. 1.” The last page of book 2 in this volume is marked 978. Book 3 forms the first portion of a second volume bound uniformly with Vol. 1. Its initial page is numbered 741 and the final one is marked 1,533. The paper on which the third book is written is somewhat larger and thinner than that in the preceding volume. The writing appears to be in the same hand throughout the entire, and is large but not elaborate. In book 2, chapters 6, 7, 8, and 9 are erroneously numbered in the manuscript as 13, 14, 15, and 16. The page following 724 in the same book is, by mistake, numbered 745, and from the latter the erroneous numeration is continued to the end of the first volume. A reproduction of a page of the second book, containing portion of the account of the battle of Aughrim in 1691, appears in the “ Facsimiles of National Manuscripts of Ireland, Part IV. 2, plate xcvii., published in 1884. In the third book, some passages have been struck out and partly obliterated apparently by the author or a contemporary. The objects and views of the author are to some extent expressed in the preface and in the initial chapter, both of which will be found in our Appendix, Nos. I. and II. The first “ book ” is composed of nine chapters, divided as follow, in the manuscript :—

Chapter.			Sections.			Pages of the MS.
1	-	-	1 to 4	-	-	1 to 4.
2	-	-	1 „ 8	-	-	4 „ 16.
3	-	-	1 „ 7	-	-	16 „ 32.
4	-	-	1 „ 5	-	-	32 „ 38.
5	-	-	1 „ 7	-	-	38 „ 45.
6	-	-	1 „ 59	-	-	45 „ 109.
7	-	-	1 „ 9	-	-	109 „ 117.
8	-	-	1 „ 48	-	-	117 „ 189.
9	-	-	1 „ 52	-	-	189 „ 270.

MSS. OF
THE EARL OF
FINGALL.

The second, third, fourth, and fifth chapters of the first book are occupied with a dissertation on the oppressions which the Roman Catholics in England and Ireland suffered under Henry VIII., Edward VI., Elizabeth, and James I. In chapters 6, 7, and 8 the author writes of the public affairs of England and Ireland in the times of Charles I., the Parliament, the Irish Confederation,¹ and the Cromwellians. The treatment of the Irish after the Restoration forms the subject of the ninth chapter, which concludes with the death of Charles II.

The second "book" is divided as follows :—

Chapter.	Sections.				Pages of the MS.
1	-	-	1	to 57	271 to 333.
2	-	-	1	„ 50	334 „ 391.
3	-	-	1	„ 39	391 „ 451.
4	-	-	1	„ 28	451 „ 487.
5	-	-	1	„ 60	487 „ 575.
[6]	-	-	1	„ 65	575 „ 659.
[7]	-	-	1	„ 116	659 „ 830.
[8]	-	-	1	„ 52	830 „ 882.
[9]	-	-	1	„ 80	882 „ 978.

The following is a brief synopsis of the subjects treated of in the preceding chapters, which constitute the second part of the work.

Chapter 1.—Account of James II., before and after his accession to the crown to the period of the acquittal of the seven bishops.—Dissertation on the changes of religion in England from the time of Henry VIII.

Chapter 2.—Movements in England and Holland against James II.—Birth of Prince of Wales.—Departure of the Queen; flight of the King and his arrival in France.

Chapter 3.—Proceedings in England after withdrawal of James II.—Discourse on his public acts and dethronement. *See* Appendix III.

Chapter 4.—Relations between James II. and the Irish people. *See* Appendix IV.—Movements in Ulster.—Arrival of James II. in Ireland in March, 1688-9.

Chapter 5.—Acts of James II. in Ireland.—His object, "to regain England, his principal kingdom, by the assistance of his Irish Catholic subjects."—Condition of inhabitants of Ireland.—Considerations on Act for settlement of Ireland under Charles II.—Siege of Londonderry, 1689.—Parliament at Dublin.—Proceedings in Ulster.

Chapter [6].—Campaign 1689-90 in Ireland.—Arrival there of William III.—Battle at the Boyne.—Siege of Limerick.—Return of William III. to England.—Departure of Tyrconnell to France.—Operations in Munster. *See* Appendix, Nos. V., VI., VII.—Continental transactions.

Chapter [7].—1691: Account "of the third and last year of the Irish war, which the Catholic people of that kingdom had undertaken for to vindicate the King's rights against the rebellion of England."—Return of Duke of Tyrconnell and his associates from France to Ireland.—Withdrawal of Duke of Berwick from Ireland.—Arrival of General St. Ruth at Limerick.—Military operations of Ginkell and St. Ruth.—Opposition

¹ At page 180, the author observes :—"It is not my province here to relate the Irish war of those tymes [1641-1649], but to shew the loyalty of the Catholic subjects of Ireland, and therefore I shall be brief in my narrative upon this subject."

to Tyrconnell.—Siege and capture of Athlone.—Battle of Aughrim.—Siege of Limerick.—Death of Tyrconnell.—Notice of his career.—Capitulation at Limerick.—Observations on the treaty.—Departure of the Irish army to France. *See* Appendix, Nos. VIII., IX., X., XI., XII., XIII.

MSS. OF
THE EARL OF
FINGALL.

Chapter [8].—Affairs in Ireland and France, 1692-3.—The transactions of 1694-5 are passed over, and the author proceeds with account of affairs on the Continent from 1696 to the Peace of Ryswick, 1697.

Chapter [9].—Relations between James II., Louis XIV., and William III.—Acts of William III. in England.—Projects for restoration of James II.—Enactment of penal laws against Roman Catholic ecclesiastics and adherents of James II.—Affairs in England and Ireland.—Legislation against Irish woollen manufacture.—Resumption of grants of forfeited estates in Ireland.—Movements of William III.—Continental transactions.—Account of last days and death of James II., in September 1701.—Conclusion of book 2. *See* Appendix XIV.

The third "book" treats mainly of Continental affairs, and consists of twelve chapters in chronological sequence, as follow :—

A.D.	Chapters.	Sections.	Pages of the MS.
1701-2	1	1 to 56	741 to 823.
1703	2	1 „ 67	824 „ 890.
1704	3	1 „ 85	890 „ 959.
1705	[4]	1 „ 78	959 „ 1056.
1706	5	1 „ 31	1056 „ 1164.
1707	6	1 „ 27	1164 „ 1218.
1708	7	1 „ 18	1218 „ 1291.
1709	8	1 „ 10	1291 „ 1337.
1710	9	1 „ 13	1337 „ 1436.
1711	10	1 „ 13	1437 „ 1498.
1712	11	1 „ 7	1498 „ 1531.
1713	12	1 „ —	1531 „ 1533.

The first chapter, so far as its twenty-first section, will be found in our Appendix, Nos. XV., XVI., XVII., and XVIII. In these are comprised the author's account of affairs immediately subsequent to the death of James II., the defence of Cremona, in which Irish regiments had a principal part in 1702, the death of William III., and the accession of Queen Anne. The subsequent eleven chapters of book 3, devoted chiefly to foreign transactions, contain occasional notices, generally brief, of affairs in England and Ireland. At the close of the ninth chapter, under the year 1710, the author writes as follows :

"Here we end our History thò the warr is not ended. Our reason is because from the begining we resolv'd to proceed no farther in our relations than we could see the banish'd King of England [James Edward Francis Stuart] to be in a fayr way of being soon restor'd to his throne, which at present we observe thro' a settled designe of a powerful party in England and Scotland, and thro' the concurrence of the most Christian King [of France], who is become able to contribute thereunto by the success of his arms and of his grandson's¹ this campagne in Spain, thro' his exorbitant preparation of men and money for the next, and thro' the extraordinary alacrity of the French and Spanish subjects for carrying on the warr. And now that we have done, we will present a few words of love and respect to this young monarch who is going to

¹ Philip V., King of Spain.

MSS. OF
THE EARL OF
FINGALL.

rule nations that stand in need of a just ruler : Sir, you know that the end of government is the happiness of the people. This happiness cannot be obtain'd unless everyone enjoys his rights. That everyone may enjoy his rights it is your charge to see. If this charge be neglected, you obstruct the end of government, which Heaven never passes unreveng'd. Here, therefore, your nicest ponderation ought to be employ'd, and in the virtue thereof you will rowl your eye around your kingdoms and where you will see justice oppress'd, let noe human consideration hinder you from giving relief. That you may better perform this divine task, consult in the beginning the Priest of the living God, who will dare tell you truth, while wordly courtiers are apt for lucre to flatter you to your destruction. But to enable you to do the office of a king in general, retain allwayes such sufficient troops as you may confide in. Otherwise you are a lost Prince, as the great confessor your royal father was. You have learnt from his experience how to choose your men, who, certainly will be Roman Catholicks, and such Protestants as have constantly remain'd stanch in their loyalty, commonly call'd Jacobits. On others there is no depending, thô they should have contribut'd to your Restoration ; yett lett them enjoy what you have promis'd unto them, provided it be just in itself or be not to the wrong of a third person. And so may the Almighty God keep you in his holy protection to his greater honour and glory."

The next chapter, which is the tenth, opens as follows :

"The ould sayinge comes now home to us : Man proposes but God disposes. The leading men of the Episcopal Protestants in England fixt so their resolution the last year for bringing home out of France King James the third that they doubted not of its being perform'd in this year 1711. That was the onely reason why we ended our History with the last campagne, as we mentioned above. But Providence hath thought it fitt to putt off for a while that happy return of a Prince, who with the last zeal is desir'd by suffering nations ; yett this delay, we can truly say, is for the best, as we shall observe beneath. In the interim we will continue our History for a campagne or two more, and shall begin the new year 1711 with our usual narrative of what principal matters have happened therein thrôut Europe, thô we may say that there has been noe military action in the western part thereof worth recording ; so idle have armyes been on all sides, thô the expense hath prov'd the same as in every year. But whether this idleness be the effect of wisdom in their princes and councils, we will leave it to the discussion of others who have more leisure to examin that conduct which is so grievous to their subjects, that thence we must judge they have noe compassion of their suffering people, because they do not minde to finish the warr speedily by a vigorous military effort or by a pacifick treaty ; they are so carried on by ambition and covetousness. It were pittty to be under such sovereigns, but that subjects must bear the government of those who are appointed their rulers by birth or election."

Among the subjects treated of in this chapter are the movements for the "re-inthronement" of "James III.," and his determined adhesion to the Roman Catholic religion. In the eleventh chapter, under the year 1712, the author, among other matters, deplores the death of the Princess Marie Louise Stuart, daughter of James II., and notices the acts of Ormonde, Prince Eugene, Marshal Villars and Marlborough, and the arrangements for the peace between England, France and Spain to be signed at Utrecht. The twelfth chapter, with which the work concludes, is given in No. XIX. of our Appendix.

The manuscript of the "Light to the Blind" affords no information relative to its author or his name which has been assumed to have been

Plunket, as in the old lettering on the binding, already mentioned. The Plunkets or Plunketts, it may be observed, ranked among the most important of the Anglo-Irish Catholic adherents of Charles I. and his family. The chief houses of the Plunketts were those of which the heads were the Earl of Fingall, the Barons of Dunsany and Louth, and from them there were many important off-shoots. Peter Plunkett, fourth Earl of Fingall, was only eight years of age at the accession of James II. in 1685. Christopher Plunkett, Lord Dunsany, served as a captain in a cavalry regiment for James II. Four captains, three lieutenants, and three ensigns of the name of Plunkett were included in the infantry regiment levied for the same king by Oliver Plunkett, Lord Louth. In the "Light to the Blind" are incidentally mentioned Sir Nicholas Plunkett, Member of the Supreme Council of the Irish Confederation, 1642; Margaret Plunkett, Dowager Countess of Fingall, one of the witnesses to the birth of Prince James Edward Francis Stuart; Walter Plunkett, a Commissioner of the Mint at Dublin for James II.; Richard and Christopher Plunkett of the regiment of Lord Louth; and Brigadier Patrick Plunkett, described as "a very experienced officer of foreign education," who served in Limerick during the siege in 1691.

The Gallicisms in the "Light to the Blind" indicate the Continental associations of the author.

The first references in print to the "Light to the Blind" appear to have been two brief and inaccurate extracts in Vol. I. of a "History of Dublin," published in 1818, by Warburton, Whitelaw, and Walsh. The manuscript of the "Light to the Blind" was subsequently lent by the Earl of Fingall to Sir James Mackintosh, whose pencil markings on it indicate the passages which he selected for transcription.¹

The late Sir William Wilde in 1859 submitted a notice of the "Light to the Blind" to the Royal Irish Academy, Dublin. This communication was not printed, but a brief abstract of it was given in a Dublin newspaper of the time. In this, the following passages appear in a letter addressed in June 1859, by the Earl of Fingall to Sir William Wilde, in relation to the manuscript of the "Light to the Blind":

"It is evident that the author was an enthusiastic and devoted admirer of King James, and very probably a follower of his fortunes. As to your inquiry respecting the traditions of this manuscript in our family, I am sorry I can give you very little information. I can remember in my father's time it was looked upon as a valuable and curious work, and shown as such in the library [at Killeen Castle]. I have always heard that it was written by a Nicholas Plunkett,² an eminent lawyer of the time, but of what precise branch of that family or how it came into the possession of this house, I do not know."

The author may have been connected with Plunket, who, under the pseudonym of "John Rogers," acted in 1713-14 as a diligent secret agent in England and on the Continent in the interests of James Edward Francis Stuart, with whose secretary, David Nairne, he maintained communications in relation to the projected return of that Prince to England as King James III. In one of these despatches in 1713, Plunket mentioned that he had been educated for some years in Germany, and in another he referred to his intercourse with Lord Fingall, whom he described as "no man of great parts, but most zealously honest" to "James III."

¹ See History of England, by T. B. Macaulay. London: 1855, Vol. III., pp. 145, 153, 173.

² An account of a MS. ascribed to Nicholas Plunket, relative to the affairs of Ireland in 1641 and subsequent years, will be found in the Appendix to the Second Report of this Commission, 1871, p. 227.

MSS. OF
THE EARL OF
FINGALL.

Appended to the third and last "book" of the "Light to the Blind," and nearly all in the same handwriting with it, are several anonymous short pieces, ranging in date from 1696 to the close of the reign of Queen Anne, in relation to James II., the condition of the Roman Catholics of Ireland, and the expected reception of "James III." in England. A catalogue of these productions, in which the extent of each is noted, will be found in our Appendix, together with extracts from two of them in verse on the death of James II.

The manuscript of the "Light to the Blind" is in fair condition, with the exception of the title and a few pages which are somewhat soiled. The extracts appended to the present Report are now printed for the first time. They exhibit the style of the work as well as the character of the details which it supplies in relation to Ireland, and to the affairs of the Stuarts and their adherents.

APPENDIX.

I.

"THE PREFACE."

"Stop here, Reader, to know my method in this treatis. I sett down in the first book the religious origin, and the behaviour of the people, who have dethroned their King under pretence of misgoverning, before I treate in the second book of the life of James the Second: to this end chiefly, that the world may see whether the said people may be worthy of belief in their allegations against that Majesty. I have noe rancour in my writeing, tho' I may seem sharp in my expressions now and then, as the subject requires. My aym in this work is to do good to both sides, viz., to procure temporal comfort to one, because it is their due; and to show unto the other the way of obtaineing a lasting happiness, of which they are wide not onely thro' want of religion, but also of doing justice. Justice every man must do for salvation, tho' he should have the true way of worshiping God. Render to all men their due: to whom tribute, tribute: to whom custom, custom: to whom fear, fear; to whom honour, honour.¹ If your justice be not greater than that of the Scribes and Pharisees, you shall not enter into the kingdom of Heaven.² Reflect on the satisfaction Zachæus gave, in case he had defrauded any.³ Remember what punishment was inflicted by God on Queen Jesabel in particular; and also on King Achab, for the injustice they had don to Naboth, as you may read in the third book of Kings, chapter[s] 21 and 22. Wherefore I begg of the injurious party to peruse attentively this volume for their own substantial good: and to be perswaded beforehand, that whatsoever is sinful by the law of nature as theft, robbery, usurpation, and other such crimes, cannot be rendred lawful by any human law, and if we be guilty of any the like transgressions we are bound, inasmuch as it lyes in our power, to make satisfaction to the party grieved, upon the penalty of damnation, which to avoyd, a wise man will choose to live and dye here in poverty, rather than to incur it by the unjust enjoyment of a kingly grandeur."

II.

"LIBER I.—CHAPTER I."

"1. A debt, I owe to justice in vindicating the injured, and a compassion to the injurers in showing their unhappy state, are the motives of my

¹ Romans, xiii. 7.

² Matthew, v. 20.

³ Luke, xix.

undertaking here to give a plain and familiar discourse : whereby I shall endeavour to rectify misintelligencies, which have from tyme to tyme brought dismal destructions on the English monarchy. If my efforts succeed, I have gained a great reward in the comfort of haveing contributed to the doeing of so much good. If they prove otherwise, I have enough for my labour, in letting friends and foes understand my amicable intentions for a reconciliation between them, to the substantial emolument of both parties.

“2. But my carriere is already stopt by an objection, which sayes : my slender endeavour must needs miscarry, since many an able pen have not prevayled. For the mistake of England is not in the understanding, which hath been convinced, but in the will, which still refuses to follow the fate of the intellect, tho’ she is obliged to follow it. I must confess, this is a sufficient cause of my despayr : and the more because it is the case of other nations, that have been struck blind with the blindness of the mind. With such the doing of wonders avayled not to give them sight : which was the grand signe of their reprobation. The instances hereof you may behould in Pharo and in his people of Egypt : who saw prodigious signs don by Moses for proof, that he was sent by God to leade the Israelits out of bondage : yet that prince and his subjects persisted in their evil intentions, until they fatally payed for their perversity. The Jewes likewise were dayly spectators of wonders upon wonders don by our Saviour, to prove, that He was their promised Messias : yett they remained so stupendiously incredulous, that they putt him to death for an impostor, which brought an extirpation upon them, so as to be noe nation. And which augments our admiration and their obstinacy, is, that the scattered members of that Judaical people, have seen for these seaventeen hundred years, the person they had murdered to be adored for God and the Messias by the wisest nations of the world, while they themselves continue slaves to mankind : and yett they maintain stiffly their original error.” p. 2.

“3. The consideration of those precedents should make me refrain from assumeing to convince people of an error, which they have often committed : and do still believe it to be noe faylure ; tho’ excellent remonstrances of the contrary have been formed. My desire of takeing up this province proceeded from the abuse the people of England gave lately to their own natural King, James the Second, now deceased. In which enterprize my aym was to amend their principles for the future. For it is better late than never : and if this amendment happen not, there can be noe long repose in the kingdom ; because the people will be still subject to misinterpret the actions of their princes : and so every King in his turn may suffer.” p. 3.

“4. Notwithstanding this powerful barriere to my undertaking : yett I am carryed on with an impetuous force to try my luck by common reason, and by matter of fact, in hopes to catch som well meaning persons : but who are lead astray by su[b]tle contrivers of mischief ; of whom there is plenty in every King’s reign : who begin troubles, purely to aggrandize themselves, tho’ they pretend for the good of religion and commonwealth as it hath been found frequently by a woful experience in England dureing these last two ages.” p. 4.

III.

[OBSERVATIONS ON GOVERNMENT OF JAMES II.]

“28. Haveing proved that the people of England had noe authority vested in them to dethrone James the Second, altho’ he had reigned p. 428.

MSS. OF
THE EARL OF
FINGALL.

p. 429.

like a tyrant: we now will shew, that he was free from the stain of tyranny. I have often admired at the foolish mallice of the English Protestants against this matchless prince. And as often upon reflection have I ceased admireing, by considering, that mallice is a hag purblind, and haveing her brain covered all with soot, so as she cannot well see, nor rightly understand. Nature sure had formed our Brittanick King for a pattern of meekness, humility, and patience. Which is attested by his countenance, by his conversation, by his speech, by his comportment in all changes of fortune; and by all unbyassed persons, that have had the honour of his acquaintance. Which are qualites directly opposit to those of a tyrant. He so litle delighted in blood, that to his own prejudice he was backward to spill it, when he could lawfully do the thing. Wittness this truth his mild behaviour towards the Protestants of Ireland: the greatest number of whom was actually in arms against his Majesty, when he himself was in that kingdom: and the rest generally were prepared for rebellion upon the first safe opportunity: which they obtained by the battle of Boyn: and so sided with the Prince of Orange. The officers of the Irish Catholick army can avouch for this. Nay, the King was so infatuated (as I may say) with tenderness towards his English-Protestant rebels, that he continued the same feeling for them unto his dyeing day. And then with his parteing breath, he admonished his royal son the Prince of Wales, to take pitty (instead of revenge) on his mislead people, whenever Providence shall place him on the throne of his ancestors.

p. 430.

“29. His government was so sweet and so just, in the judgment of the impartial and of the wise, that the rest of mankind might wish to be under the regency of such a monarch. In a word, his subjects seemed to be generally satisfyd with his administration except Episcopal Protestants. I am sure, the Protestant Dissenters were obliged in the highest gratitude to be contented with such a King, who gave them priviledges, which they neaver had before; tho’ afterwards they ingratefully abandoned him in the tyme of need, notwithstanding their promises of loyalty sett down in their publick addresses unto him, when they received those franchises. But lett us here discuss the matter, whether his Majesty hath proved unto those Episcopal men, his principal enemyes, so tyrannical a governor, as to deserve that last of punishments in being deposed, tho’ we should grant them a power of dethroneing their King, when he becomes a real tyrant.

p. 431.

“30. A tyrant is he, who regards neither God nor man, law, equity, nor custom: who oppresses the liberty of his people, and violently takes away their propertyes, when his phaney prompts him to it: and somtymes their lives without law: who destroyes their religion upon his bare whimzy: inverts the course of justice: gives all the posts of the commonwealth to profligat men, and to such, as will be instruments un’o him in his wicked designs: in a word, who swayes for his own onely pleasure; not careing what becomes of his subjects, but so farr, as they may serve to his privat ends.

p. 432.

“31. Now I would fain know, which in particular of these crimes can Protestants lay to King James the Second’s charge? or whether can they impeach him of all; and prove home their impeachment? I am certain with all moral certainty, and by experimental knowledge, that they will neaver be able to fix the description of a tyrant on that Majesty: unless we believe their naked allegations: which is all they have said hitherto to the point. I have shewed above, what a King our great James was at his accession to the crown: to which I here adde a

MSS. OF
THE EARL OF
PINGALL.

short discourse of his demeanour in the royal government. When he mounted the throne, his Majesty had provocation to shew himself tyrannical to all such Protestants as had been unjustly violent in carryeing on the bill of exclusion, alias, in their endeavours to disinherit him of the crown, while his brother Charles the Second reigned : at least he had a legal cause to hould a severe hand over them ; and to barr them from all posts civil and military within the precincts of the Brittish empyre. Yett the goodness of this prince was so vast, that he forgott all, as if he had not been peerelesly injured. He had just cause to mistrust the loyalty of the pretended Reformation of England as to the generality of them ; because he knew by precedent experience that they hated his kingship upon the account of his religion : yett he left the men, as he found them, in their stations civil and military and ecclesiastick. When the rebellion of Argyle in Scotland, and that of Monmouth in England, had risen against his Majesty, because he was a Catholick, and after that those insurrections were ended, the King had sufficient reason not to imploy any Protestants in the army, he was forming for his self-preservation, except such, as he had experimentally found to be unchangeable in their fidelity : yett the candour of his nature was so excessive, as to make him lay aside distinctions of persons : and so to make up the designed forces out of Protestants for the most part. Which was the only cause of his ruin. For they deserted his Majesty afterwards at the very juncture [when] he thought to secure himself by them against the Prince of Orange. p. 433. p. 434.

“ 32. And to proceed : the King feared the Deity so much, as he sacrificed his crown, life, and all he had in the world at the altar of that holy fear, by not abandoning the faith of God, which he had embraced, before he carryed the scepter. For his Majesty perfectly understood, that heaven was denyed to any one, who should denye his religion, according to that of St. Mathew x., 32 : He that shall deny me before men ; I also will deny him before my Father, who is in heaven. This monarch was not onely a firm maintainer of his faith at all hazards ; but also a strict moral liver from the tyme he came to the crown to his dyeing day, as the best witnesses of his life can tell.

“ 33. Who in his witts would object unto the King an inversion of the lawes of the land ? For he left the courts of judicature to run their usual course ; not one in his dominions haveing eaver complained that he lost his suite by the King's forcing the law against him. When the seaven Protestant Bishops, contrary to the opinion of all the other Bishops of England, had refused to pay his Majesty a civil obedience in suffering the royal proclamation for liberty of conscience to be read in their respective churches, to the end, that it might be better notified to the people : and when the King had imprisoned them for that misdemeanour, according to justice : yett he permitted them to have the liberty of using the law. Upon which they desired to be tryed at the King's Bench in Westminster : where the jury brought them off not guilty of what they were charged with. Now had the King been a tyrant, he would not have given them them that fayr play : but would have crushed them without the formality of the law. Had he been a tyrant, he would have chopt off the heads of the jurors, who gave their verdict against the King, tho' they should have right (as they had not) on their side. Had he been a tyrant, he would have hanged every rascal of those in London, who had the insolence, as to make bonfires before his face for the escape of the seaven Bishops from justice. No, no : he was of another judgement. His Majesty bore all those stroakes of refractoriness in the silence of a lamb. p. 435. p. 436.

MSS. OF
THE EARL OF
FINGALL.

p. 437.

"34. 'Tis true, the King dispenced with those lawes of Elizabeth, which were penal to Catholicks, and to Protestant Dissenters, as we shewed above. But he did it lawfully, because he has that prerogative in his roy alty, as we demonstrated before, both by the lawes of England, and by the lawes of forraign monarchyes. For which he had a substantial ground; and that no less than his self preservation, and the common peace of his kingdoms. For tho' we should grant, that Queen Elizabeth had a reasonable motive for disenabling Catholicks to bear employments civil and military: yett King James the Second a hundred and fifty years after, had noe reason to deale so with them: but on the contrary he found by his personal experience before he came to the crown, and after he came to the crown, that those Protestants in favour of whom the said lawes were made, proved unto him disloyal: and that the Catholicks against whom they were enacted, were the onely subjects he could entirely depend upon for their faithful assistance in the management of his great charge. Thus you see, what is an advantagious law to the prince of the country in one age, becoms destructive to the prince of the said country in another age. And this is one of the reasons, why the power of dispencing with lawes is inherent in a monarch. Altho' the King had in this manner rendered Catholicks ceapeable of employments: yett he gave almost all the posts of England to Protestants. In return of which graces, they gave him their back in the day of need; and called him a tyrant to boot for his fatherly tenderness.

p. 438.

"35. As to the property of his people: whose land, whose gold or silver, whose beast, whose howse did the King take away? He desired money in a parliamentary way from his people at his first instalement on the throne, for to relieve his wants, the Treasury being bare at the death of his predecessor. But the Parliament refused his request: and he took the refusal with a Christian patience, as I hinted above.

p. 439.

"36. As to the religion of his people: he did not tyrannize over their consciences, as the Protestant King of England have don over the consciences of Roman Catholicks. His Majesty gave to every individual person full liberty to use what worship he pleased: so that noe one had the least apprehension to be punished for his religion thro'out the Brittish empyre, which was a general jubily to those nations: and which they had not seen, since the pretended Reformation was cruelly enforced upon them. The nature of King James the Second was farr different from that of Queen Elizabeth. He was a lamb, she a tyger. He compelled noe Protestant by fine, imprisonment, forfeiture of estate, or by death to turn Roman Catholick. She by all the said means tyrannically constrained the Catholicks to embrace her phrenzy, and swear her to be (O profane woman!) Vicar of the Saviour of the world in the government of the Church of England. King James made noe law against Protestants, tho' in his own experience he had found them several tymes highly trayterous. Queen Elizabeth, tho' she could object noe disloyalty to the Catholicks; yett she enacted most barbarous statuts against them for onely sticking to the ould Christianity, which had conquered paganism in the land about a thousand years before. Thus to acknowledge the Pope's supremacy in spiritualibus was made treason by that Queen. To refuse sweareing the said Queen to be head or governess of the English church, was a premunire the first tyme: for the second refusal it was treason. To return from a Protestant to the Catholick church, treason. For priests to come into England from forraign countryes, treason. If any priest was made in England since the first year of her reigne, and shall stay in the land forty dayes after the Parliament in the year 1585, treason.

p. 440.

To harbour a priest was felony and death. If young English students abroad returned not, and abjured the Catholick religion, 'twas treason. To bring into England an Agnus Dei, beades or crosses, was a præmunire. To bring a Bull, or any sentence of excommunication from Rome, which might concern the Queen, 'twas treason. Not to goe to the Protestant church in a month's tyme, for to hear service, it was a penalty of twenty pounds in the 27th year of her reign; tho' before that it was but twelve pence every Sunday. And whatsoever Catholick could not pay the twenty pounds, he was to remain in prison for the same. To depart out of England without license, and not to return in six months after the proclamation, was a forfeiture of all goods and lands dureing life. To heare mass, was a fine of a hundred marks. If a man's son or servant (not being a merchant) went beyond seas with his consent, he forfeited one hundred pounds. I should be weary to tell you the actual loss of goods and lands: the imprisonements, reproaches, chains, fetters, banishments, and deaths which the Catholicks of England were forced to suffer barely upon the account of their religion by that inhuman woman, who was an usurper both of the crown and of the Catholick church in England. Her detestable life written by Doctor Sanders and others will afford you plenty of her tyrannical actions. But that most hellish usage she gave to that most honourable person, Sir Francis Tregeon, (whose body lyes still incorrupt at Lisbon in Portugal) as also to Mr Rigby, and to Mr Christopher Watson (the last of them perishing at York in the year 1581 with eighteen persons more thro' the very infection of the prison) shall stand as an everlasting monument of a compleat tyrant. In fine, this Jezabel with bloody force (as Mahomet extirpated the Christians of Asia) so she destroyed the Catholick religion of England, (which had been there planted in the 7th age of Christianity in various miracles,) after she had made an end of all the ould Bishops of the land in prisons and exile, and murdered the inferiour clergy, and banished them; giving all the ecclesiastick liveings of the kingdom to mock-Bishops of her own, and to her ministers, not to repeate here the ruin she brought upon the church of Ireland. Yett after all those unparralleld barbarietyes, these present blind moles of England can see noe mark of tyranny in her over the original religion of the nation, and over the innumerable professors thereof: and they imagin to have beheld King James the Second a tyrant over Protestants, tho he used noe severity at all towards them. For they themselves have not dared to particularize the actions of his tyranny: onely like fools, children, or madmen, have bawled out in general terms, the King was a tyrant, after they had dethroned him. We have putt them to the test; whether did he did extirpat the Protestant Bishops, and the rest of their clergy? whether did he take away their great and small liveings? whether did he putt any to death for not coming to mass: or in the least punish them for fayleing therein? whether did he deprive the Protestant layety of all imployments: and declared them incapeable to be imployed hereafter in the common-wealth? No: they can object noe such thing. Nay, he gave them their own wish. For he kept up their religion by a positive and unfayleing method; which was in preserveing a succession of their Bishops. When one was dead, he gave leave [for] another to be ordained after their own manner in the place of the deceased. Now Episcopacy being thus preserved, their Protestantism could not fayl. For a Bishop makes a minister: a minister he preaches to his flock: and so retaines them in their usual worship.

p. 441.

p. 443.

"37. But you'll tell me: all this is owned. Yett notwithstanding it, the King committed two particular faults in his government, which

MSS. OF
THE EARL OF
PINGALL.

p. 444.

provoked his Protestant people very much. One was : he made a Jesuit¹ of his council. The other was: He appointed another Jesuit Rector² of one of the colledges in the university of Oxford. I answer first: It is insolence in vassals to question the government of their Lord and master. Which the word of God insinuates, as I pointed above, Prov. xix., 10. I answer, secondly, by an interrogatory: Did not the King leave to the Protestants their liberty, property, religion, churches, and employments civil and military? What then did they want to compleate their happiness? If this be an unquestionable truth, as we indicated above, that is was, certainly the King did not committ such horrible crimes as to deserve a dethronement, by sheweing a favor to those two Catholick men. Lett us bring the matter to a tryal before the grand Signior, or the Sophia of Persia, or the Czar of Russia, or the two monarchs of the North. The leadeing question shall be: Whether Kings ought in right to be deposed by their people, when they make one of their subjects of their council who professes a different religion from that, which is generally received over the kingdom: and when they constitute one subject more of the said different religion, overseer of a community of young men, who are taught Latin, and other branches of litterature, by masters of their own religion or the religion generally professed in the country? We are contented to leave our cause to the determination of those princes; whom we suppose the Protestants of England will not except against. In the mean tyme we say, that the English subjects are severe masters (if this be sense) to their servant the King: because they do not observe a distinction of punishments in proportion to crimes. Was there not a reprimand to be given first to his Majesty by a general address from the people; which might be more proportionable to that peccadillo? or, at the most, a short imprisonment, till he had given them sufficient guarantees of his good government henceforth? I call that error of the King's a peccadilloe: because it did not de facto take away the happiness which the Protestants had under his Majesty's regency in the enjoyment of their religion, their estates, and employments, as I demonstrated before. Neither could those two Jesuits, in the stations they were in, destroy the fine establishment, the King allowed the Protestants. For what harm could Father Petre's³ advice in council do to the Protestants of England? Were there not others there to ballance him? Was not the Privy Council made up of almost all Protestants? If the King would be lead by the sentiments of Petre, he could have his opinion, whether he were of the council or not, as being his servant: so that it was noe advantage to the King to make him a counsellor; nor noe prejudice to the people.

p. 445.

p. 446.

"38. For the Rector of the colledge: what did he signify as to the doing of dammage to the Protestant religion? Governors of colledges do not usually teach. They onely have a superintendency over the masters and schollars in their several duties, in their behaviour, in their cloatheing, dyett and lodgeing. And if that Rector at Oxford were to be a Reader; what was the consequence? He was but one Catholick amongst many Protestant Professors of Divinity, Philosophy and other sciences in that University: so that there could be noe fear of his draweing the whole academy to the Roman church. Neither were the students of his own colledge compelled to remain in the howse, and

p. 447.

¹ Edward Petre, sworn of the Privy Council in November, 1687.

² Bishop Bonaventure Giffard. See "Church History of England," vol. iii. p. 469. Brussels: 1742.

³ Petre's] Peter's, Ms.

to heare his doctrin. For they had their liberty to goe home to their parents, or to other colledges of Oxford, or to Cambridge, or to be instructed elsewhere by privat tutors. And tho' the collegians should have heard that Jesuit to teach and preach; there was noe certainty of their owneing themselves convinced at his arguments. I should rather think, there was more danger in readeing the great Doctors of controversy, as Cardinal Bellarmin and the rest, which those students had at their command in the library of the said University: yett we find noe such conversion to have been made of the collegians these forty years passt, as to deserve our remarks thereupon. But the truth is: mallice proves childish: and so is apt to make any toyish pretence to be her warrant for evil actions, which she is bent upon. The Protestants of England being unalterably resolved seaven years before James was seated on the throne, not to have him, because a Catholick, to be their King, and being often disappointed in their attempts before and after his possession of the throne; they took new measures after rebellious Monmouth's, and Argyle's defeate, and more effectual means (which was the assistance of Holland) to compass their dessign, as I said above. But, because they could find noe solid flaw in the King's government, as a fundation for their general rising up against his Majesty; they pitcht upon this toy of Father Petre's being placed in the council, and the other Jesuit's being constituted Rector of a colledge in Oxford, for their grand ground of dethroneing their sovereign Lord and master, as you may observe in all the libells they afterwards made on that most excellent prince. In the interim wise men did look upon those two employments given by the King unto two Catholick priests, not to lessen the power of Protestants in England, no more, than a drop taken out of the ocean doth diminish that immense sea: because the Protestants had the great sea of the commonwealth to themselves. They had the council: they had the army: they had the fleet: they had the judicature of the nation: they had the prelacy and the clergy: they had all the ecclesiastick revenue: they had the magistracy of cittyes and towns. In short, they had the Tower of London, and the government of all the fortresses of the kingdom. p. 448.

"39. You may judge by this, whether the Protestants of England had not a solid cause of complaint, as well as the wise men of Utopia, who enrage at the bite of a flea, as if they were pierced to the heart with a two-edge sword. These are your brave Protestant Christians, worthy of the primitive ages; who can suffer almost as farr as the smart of that little vermin. Impartial reader, I must begg your pardou, if I abbreviat my discourse, tho' it has the most copious subject in the world; because forrain nations, who are here the best judges, are satisfied (without my vindication) with that method of governing, which our illustrious monarch used, when he was at the helm of affayrs in England. Onely I will say; that there is noe law in England prohibiting the King to make a Catholick of his council: and if any was made by Queen Elizabeth; the present King can dispenche with that law as destructive to his regency. And 'tis positively affirmed, as Doctor Chamberlain¹ has it, that the King of England can create Rectors of colledges of whatsoever religion he pleases. From whence you will uncontestably conclude, that King James the Second made noe step in governing his English subjects, but what was supported by the law of nature, by the law of nations, by the law divine, by the prerogative of Kings, and by the lawes and customs of England: in consequence p. 449.

¹ Edward Chamberlayne, author of "*Magnæ Britanniae Notitia*," of which several additions appeared between 1667 and 1707.

MSS. OF
THE EARL OF
FINGALL.

whereof his dethronement was barbarously unjust, and the blackest rebellion. Which is confirmed by the Court of Rome, sayeing that the King of England was villanously dethroned: and seconded by that of France, of Spain, of Venice: of Vienna, of Portugal, of Denmark, and Swedeland: tho' the said courts (except that of Rome) have acknowledged the succeeding government of England de facto for reasons of state, as they did the sovereignty of Oliver Cromwell, the late usurper of England, and the dominions thereunto belonging."

p. 451.

IV.

"CHAPTER 4." [RELATIONS BETWEEN JAMES II. AND THE IRISH.]

"1. Haveing given the world the satisfaction of sheweing the innocency of James the Second in his reigneing, while he was in actual possession of his throne; we now think it not fitt as yett to breake off the thread of oure history, but to continue the relation of his life unto his death.

"2. The King haveing made his escape into France: and the newes thereof being spread over England; the gentilmen who had been summoned by the Prince of Orange on the 23rd of December [1688] to come up to London, made all hast to meet at the place appointed. And so the General Convention of the Lords and of the Commons or representatives of the people who were named in the aforesaid proclamation, mett for the first tyme at Westminster in January followeing, the 22nd day, 1688, or accoreding to the new stile 1689. The first thing, they took in hand, was to know, what appellation they should give to his Majesty's flight out of the kingdom. After a long debate about the terms, they concluded, that his exit was an abdication.

p. 452.

"3. I tould you before, that mallice is childish: and consequently is apt to speake nonsense. Here is an assembly of the prime men of England; amongst whom there are many persons learned in the Lattin tongue. Yett, because they are carryed on with malignity towards their King, they are nonsensical in their interpretation of his actions. For abdication is a pure Lattin word, signifyeing a voluntary giving up of a post or station; as was that fact of Charles the Fifth Emperor at Brussells: whereby he delivered spontaneously his hereditary kingdoms of Spain to his son Philip the Second; and his elective empyre of Germany to his brother Ferdinand, who had been chosen King of the Romans, that is, heyr apparent to the imperial crown. Which abdication of his was for an end, he more coveted at that juncture, viz., to serve God for the remnant of his dayes with greater attention in a solitary life: haveing first reserved unto himself out of all his immense revenues, a small annuity for his privat sustenance.

p. 453.

"4. But James the Second, King of England, had noe intention of giving up voluntarily his crown, when he fled into France about the end of December 1688. For so he said himself at his departure from Rochester, in a letter he wrote to the Privy Council, wherein he signified, that, tho' he was of considerable years, yett he hoped to live so long as to recover his kingdoms, of which he was despoyley by his subjects. His words were to this purpose. And soon after he returned out of France into Ireland, in order to reinthrone himself by the assistance of his Irish Catholick people. So he continued the same dessigne unto his dyeing day. If he had of himself quitted the sovereignty, he would have don it at London with leasure, and without feare: he would have don it before the convocation of states: he would have tould his end therein: he would have appointed his successour:

he would have reserved a revenue for his support durement his life : he would have left England in the face of the sun, and not in the obscurity of the night ; and all this he would have done in the supposition, that he were a single man. But being married, how could he have relinquished the government without the consent of the Queen ? It is a phrenzy to think of any such resolution in his Majesty.

MSS. OF
THE EARL OF
FINGALL.

p. 454.

“ 5. On the other hand : the King saw himself persecuted by his Protestant people for the space of eleven years before : he saw himself at that very juncture of his departure abandoned by all his subjects of England : he saw them yealding the kingdom, without a blow, to his enemy the Prince of Orange : he saw himself then the second tyme a prisoner to his own subjects. Now I ask of the world, what should the King do in these circumstances ? The world answers plainly without minceing the matter ; he should endeavour to make his escape out of prison and out of the kingdom, if he were not a fool. Wherefore the King prudently provided for self-preservation : and so gatt away into refuge, where his liberty and life might be ensured.

“ 6. But here you must know, that this imposition of a false name upon the King’s escape, was made by the grand assembly of England out of studied knavery, and not out of any ignorance of the word, as I hinted above. For they are more knaves than fools. Their end therein was to cleare themselves from haveing a hand in forceing his Majesty to fly out of the realm : and to perswade the world, that the King of himself layd down the sceptre : and that thereupon they tendered the vacant throne to the next in blood, who was his eldest daughter, the Princess of Orange, and in her right to the Prince her husband ; because they did not owre the Prince of Walles. This was a mighty wise contrivance to justify their rebellion : was it not ? As if the world could not see the Prince of Orange’s invasion procured by the people of England in order to dethrone their sovereign Lord : and the kingdom in the invaders’s possession, ere his Majesty attempted to fly ; and his sacred person under imprisonment the moment before he actually made thence his escape. It would be, methinks, a better fault in them to acknowledge plainely ; that they have deposed their King for being of the Catholick religion (since the world knowes it) than first to depose him by a long-studied conspiracy ; and then foolishly to goe about the bush to gain belief, that the King had voluntarily quitted the throne : and that they onely filled the vacancy with the next right heyr : because by this action of theirs they committ hypocrisy as an addition to the dethronement. So it would be a more pardonable crime to declare, that they barr the Prince of Walles from succession to the crown, because they certainly were perswaded, that he would be educated in the Roman Church ; than to take away the honour of his royal birth. For, by this last act, they do him a double injury : one, in rendering him ultimately despicable in the world, as farre as in them it lyes : the other, in depriving him of his kingly inheritance.

p. 456.

“ 7. The convocation of states, or the general convention haveing settled this point, that the King’s flight out of the prison of Rochester, and out of England to the sanctuary of France, must be called abdication, the throne is declared vacant, first by the Convention of the Commons on the 28 of January [1688-9]. The same thing is don by the Convention of the Lords on the 7 of February. How ridiculous to reason this declaration is, and how detestable to justice, I leave it to the judgement of the world. Then the Princess of Orange was sent for from Holland at the Commons’s voting of the throne of England vacant, and arrived at

p. 457.

MSS. OF
THE EARL OF
FINGALL.

London on the 12 of February. The next day the crowns of England and Ireland were presented by the general convention to the Prince and Princess of Orange: which they (to their eternal shame) accepted of: and were the same day proclaymed King and Queen: and in April followeing both were crowned on the 11th 1689, by name William the Third, and Mary the Second.

p. 458.

“8. Lord! what an example is this of a daughter usurping the station of her father! We are noe Mahomettans in this tract of Europe: but professed Christians. Yett our actions, and particularly these of England, and this of the Princess of Orange are able to give the blush to Ottomans. If this royal daughter had bona fide believed the King her father to have deserved his dethronement: in this case itself she should have proceeded most timorously, least to give offence to nature. So in the first place she should have published a manifesto in her justification: alleadgeing, that her opinion was, that the King incurred his deposal by the lawes of the land: that thereupon there was a natural right in the people to give the crown to the next in blood: that the infant called the Prince of Walles, was not the son of her father: and consequently she was the next heyr to the crown, as being the eldest daughter: that therefore she could not refuse her own right tendered to her by the people, who had the presentation of it: that by her refusal thereof she could do noe good to her royal father: that in this station she was prepared to afford him all the comforts, that a princely maintenance can give: that, in fine, she declared to the world, that she took not the crown of England out of any ambition, or neglect of duty towards her parent: but onely to prevent her natural right to be given to another.

p. 459.

“9 On the other side, if the Princess believed, that the King her father did not so misgovern, as to deserve dethroneing, as she must needs be convinced thereof: that the people have noe lawful power of deposing their King, as she knew for certain out of the transactions of King Charles the First, her grandfather, and of Charles the Second, her unckle; and out of the lawes of England, which admit noe such thing: if, in fine, she was perswaded, that her father was noe knave in imposing a strange heyr on the nation, while she and her sister were alive, as she was sure thereof, and all the world besides: then in such case it was her indispensable duty to refuse the crown: to detest the guift of robbers: to disowne such a right in the people: to declare them rebels: to stay at home in Holland: and to remain thus constant, tho’ the people of England should impart the diadem to another. Which if she had don: and her sister had followed the example, the people would soon be weary of their distractions, as they were in the usurpations of the ould Rump Parliament, and of Oliver Cromwell: and so they would be glad to recall their King; as General Monck and his faction did King Charles the Second. But alas! the famous daughter troubled not herself with the performance of any such devoirs, as are above commemorated. She sate quiet in Holland: she heard her father was deposed upon the account of his religion: she saw presently the crown offered unto her: she accepted of it without more ado: leaving the father to shift for his bread; while she fattened with his spoys.

p. 460.

“10. But to return from our digression: the coronation being over; the people of England now certainly think, that they have no more to do, than to sitt down, and enjoy quietly the present happiness, which they have procured to themselves at great danger seemingly, but small cost, as meeting noe opposition in this their last enterprize. The episcopal Protestants in specialty triumph the most: because they have a

MSS. OF
THE EARL OF
FINGALL.

Protestant King and a Protestant Queen: because they can repayr those great breaches of their Church, which the King had caused in placing a Jesuit Rector in one of the colledges of Oxford; and in making Father Petre of the council: because in fine they expect henceforward noe possible diminution of the Episcopal branch of Reformation throughout the Brittish empyre.

"11. Yett give me leave to say, that the all-seeing God seldom or p. 462.
neaver suffers publick wickedness to escape scott-free even in this world, besides the reserved vengeance in long eternity. His omnipotency rayses the weak to give confusion unto the mighty. He strikes often the sinner there, where the sinner least dreames to be stricken. And so it is: the rebels of England must not goe unchastized for the barbarous injustice they have don unto the Lord's anointed. They shall pay dearly for their villanous phancy in their treasure, in their honour, and in their very religion, for the sake of which they had don that, which pagan nations would blush at.

"12. In the first place then, as soon as the King came up to London on the 26th of November 1688 from Salisbury he wrote a letter to the Earl of Tyrconnel, Lord Deputy, alias Vice Roy¹ of Ireland, then at Dublin, letting him know, how he was betrayed by his army; how he was p. 463.
abandoned by his people of England; and also giving the said Lord Deputy his orders and instructions, what to do for his interest in this juncture. Immediately the Earl of Tyrconnel called a council, to which he made a proposal for rayseing an army to maintain the King's rights. Upon this proposal several arguments passed pro and con. But his Excellency was altogether for warr; and shewed plausible reasons for success. Which opinion had the ascendant: and so 'twas decreed to levy forces out of hand. Which was soon made known to the Catholick people throughout the kingdom.

"13. Here lett us pawse awhile, and examin the nature of this enterprize. The Catholicks of Ireland do undertake a warr for the reinthroning their banished King. Why should they do this, since they had been oppressed by the precedent monarch, as we remonstrated above; p. 464.
for whom they did that, which noe subjects had ever don, viz. they maintained warr on their own cost for several years against their common enemy, Oliver Cromwell, and other regicides and usurpers: till at last they were totally subdued and deprived of all they had in the world. The sad remembrance of the aforesaid oppression (neaver was the like since the Creation) should make the Irish Catholick nobility to rejoyce rather (according to the dictats of flesh and blood) at the misfortune of an ensuing King of England, especially of the immediat successor and brother of their oppressor: which brother at the tyme of their oppression behaved himself not much better, as farr as went his power: at the best he stood newter: and moreover he received into his possession the estates² of several Irish Catholicks delivered most unjustly unto him by the King his brother, and by the barbarous Parliament of Ireland, as we mentioned above. But Catholick religion is one thing: and heresy is another. Catholic religion obliges us to duty towards our lawful p. 465.
sovereign, tho' he had often injured us, and tho' he were of a contrary belief. Whereupon Catholicks will still be Catholicks; and So the Irish

¹ A reproduction of a letter written from Dublin Castle by Tyrconnell, in 1686-7, is given in "Facsimiles of National MSS. of Ireland," Part IV.-2., Plate lxxxii. London: 1884.

² For account of the estates of James II. in Ireland, see Eighth Report of this Commission, 1881, Part I., p. 497.

MSS. OF
THE EARL OF
FINGALL.

must lay aside all resentments that thwart their allegiance; and take up arms, for to discharge their devoirs, although they were to loose their fortunes, and destroy their families again, as their fathers had don for King Charles the Second.

p. 466.

"14. Yett how are they able to assume this province? Money they have not: and theire estates in land have been for thirty years before in possession of Protestants; except som few inheritances, which had been rendered in each province of the kingdom to the right owners in the reign of the said Charles the Second. They also want arms: they want horses; they want other utensils of warr. They are ignorant in the military art, as being debarred upon the account of their religion, from posts of that mistery of a long tyme by the government. They are in fine destitute of warlick ships and other vessells: which is the most important advantage to an island, either to guard the coasts, or to bring home all necessaryes of warr, or to transport men for annoyeing your enemy either by yourself, or in conjunction with a friend and ally.

"15. And what is worse than this: they have a most potent enemy to deale with. For they are to stand against opulent England, hardy Scotland, and the violent Protestants of Ireland. They are to fight veteran forces of divers nations, which the Prince of Orange will send, or bring himself. But the greatest terrour of all to the Irish Catholicks, is, that, if England should loose an army in the fields of Ireland, she can send another and another, and tuns of Gould to maintain them: so that Ireland in her present circumstances is in noe way a match to the power of England.

p. 467.

"16. These are all solid dissuasories to the enterprize of the Irish Catholicks. But what will you have of it? Altho' conscience should be free from obligation of rising for their King, because of their inability: yett an exorbitant zeal, and natural courage will attempt matters (as often it happens) which reason deemes not fezable. To make these noble flames of the Catholicks take a higher pitch, they are tould that the King will come amongst them in person: that France will send arms, will send money, will send experienced officers, and trained souldiers to their assistance. Whereupon the nobility and gentry from all parts of the realm do fly up to Dublin, for to attend the pleasure of the government in this affayr.

p. 468.

"17. The Lord Deputy observing so gallant an ardoure in his Majesty's good subjects, gives his commands to the secretaries to draw commissions speedily for the levyeing of regiments, horse, foot and dragoons. The orders were obeyd: and his Excellency¹ began to deliver out his commissions in the month of December 1688, about a fortnight before the King made his escape out of England. The levyes goe on amain in cittyes, towns, and in the country. Here you may judge of the greatness of affection, which the poore people shewed to the royal cause by this, that in the space of two months, above fifty thousand enlisted themselves for the warr: and each company and troop of the whole number was subsisted upon the cost of every captain for three months, to the undoeing of several officers who were not lords of land, nor possessed of any great treasure.

"18. Ah! would to God, I were master of a meet talent in setting forth the commendation of this loyalty, of this zeal, of this love, of this

¹ The Earl of Tyrconnell.

compassion to their suffering prince! A mighty monarch the other day, (for he was Lord of kingdoms) now is expelled his throne most nefariously by his own vassalls, by his menial servants, by his favorites, by his confidants, by his own bowells, for noe fault, but what he thought was a blessing, and a blessing above that of the crown: that is, the Catholick religion: and being thus abandoned by his innumerable people, p. 469. he can find not any of his to take pitty of him, nor take up his quarrel, but those of his subjects who are least able to vindicat his wrongs; and who had been most unrighteously dealt with by the immediat predecessor of the present King, tho' they demonstrated the like fidelity towards the said predecessor in his forlorn case. All we can say in the matter, is, that this example of loyalty in Irish Catholicks is right admirable; and may do good to other princes, tho' it should not profit their own. Yett their own King in after tymes, when by Providence a restoration is made, may, if he pleases, reape a substantial benefit, out of the remembrance of this behaviour of his Irish subjects, and of their Catholick fathers in the reigns of Charles the First, and Charles the Second. Which benefit consists in this. It is an experience above controulement, that the pretended reformed people of England are prone to rebellion: that de facto they have dethroned three Kings one after another p. 470. of late years: that of the three nations, the Catholick people of Ireland have shewed themselves most loyal; nay constantly loyal in the three last revolutions happening under the aforesaid princes. That in this universal rebellion against James the Second, they alone stood faithful, except the Catholicks and som few Protestants in England and Scotland: that in fine this loyalty is in them fixed by the principles of their religion. Wherefore, these being all truths, the King of England, for his own security, will make hereafter his Ireland a powerful nation, in order to be a check upon the people of England: and by that terrour to prevent their rebellion: or, if it happens, to extinguish it soon. And to render the Irish Catholicks effectually potent for this end; it will be requisite in the King to restore unto them their antient estates, which the Protestant usurpers have retained in possession these forty years passd: to make the Parliament of Ireland absolut in enacting p. 471. lawes, without being obliged to send beforehand the prepared bills, which are destined to pass into acts by the consent of both howses of Parliament, for the King's precedent approbation of them; it being sufficient to have the King's assent given unto them by the voyce of his Deputy, after the said bills have passed both the howses: to make the judicature of the nation determin causes without an appeal to the tribunals of England: to give full liberty to merchants to export the product and manufacture of the kingdom; and to import forraign goods without an obligation of touching at any harbour of England: to erect studyes of law at Dublin: to putt allwayes the Viceroydom into the hands of an Irish Catholick: to sett up a silver and gould mint in the capital city: to conferr the principal posts of state and warr on the Catholick natives: to keep standing an army of eight thousand Catholicks: to train p. 472. a Catholick militia: to maintain a fleet of 24 warlick ships of the fourth rate: to give the moyety of ecclesiastical liveings to the Catholick Bishops and parish priests during the life of the present Protestant Bishops and ministers: and after the death of these, to confer all the said liveings on the Roman clergy: to make the great rivers of the kingdom navigable, as farr as 'tis possible: to render the chief ports more deep, and thorough tenable against any attacks from sea: in fine, to drain the multiplicity of boggs: which being effected will support a vast addition of families.

MSS. OF
THE EARL OF
FINGALL.

p. 473.

"19. While the Catholicks of Ireland were buisy in rayseing an army for the King in the months of December, January and February; the Protestants of Ireland were hatching oppositions. For they had resolved before to side with England, and acknowledge the Prince of Orange for their King. Of all Protestants within the bounds of the English monarchy, those of Ireland (except a few) had the greatest reason to rise against King James the Second (if you will lay aside conscience), because they have been in feare, of a long tyme, that his Majesty would upon the first opportunity, compell them by new and just lawes¹ to restore unto the Catholick owners those estates, which the said Protestants possessed by the grant of Cromwell, and by the confirmation of that unrighteous Parliament, which sate at Dublin a little after King Charles the Second had been restored. Some of the Protestants by this tyme actually broake out into rebellion. Others remained in their habitations, till a fayr occasion was offered, to shew themselves bare-faced: which was, when Mareshal Schomberg,² the Prince of Orange his general, landed in the North of Ireland with an army in the month of August 1689: and when the next year the Prince of Orange himself arrived in the same province [Ulster], with a numerous host.

V.

"CHAPTER [6].³"—[CAMPAIGN OF 1689-1690 IN IRELAND].

p. 575.

p. 576.

"1. The King being come to Dublin, sent a request to the most Christian monarch⁴ for five or six regiments of ould foot: and in exchange of which he would send him as many regiments of his late rayseed army. For this end, his Majesty ordered to make ready for spring to goe into France the regiments of the Lord Viscount Mountcashel;⁵ of Collonell Daniel O'Bryen of Clare; of Collonell Richard Butler of Galmoy: of Colonel Robert Fielding; and of Collonell Arthur Dillon of Costola.⁶ Over which body the said Mountcashel was appointed General.

p. 577.

"2. Dureing this winter 1689, the King and his Catholick people of Ireland were cheareful enough, as haveing not received so great a loss from the army of Marshal de Schomberg, as they at first apprehended. But with all this; his Majesty had litle or noe intelligence of what preparations were a makeing in England against Ireland for the next campagne. And therefore he and his loyalists improved not their condition. There was noe augmentation of troops made, as there should be, and that considerably: noe care taken in exerciseing the army in their respective quarters: in provideing arms and apparell: in fortifyeing towns, and filling them with ammunition and victualls. This was not the way to secure Ireland, and conquer England. Great undertakeings require great wisdom, great care, great diligence. Alas! It is noe childrens's play. The council must be stanch in knowledge and loyalty: the civil officers honest in their management: the military commanders must keep themselves from the fooleryes of gameing, drinking and

¹ Repeal of "Acts of Settlement and Explanation."

² A reproduction of a holograph letter from Schonberg to William III., written at Lisburn, Antrim, in November, 1689, appears in "Facsimiles of National MSS. of Ireland," Part IV.-2, Plate lxxxvii. London: 1884.

³ Erroneously numbered 13 in the MS.

⁴ Louis XIV.

⁵ Justin MacCarthy.

⁶ Baron of Costello, county of Mayo.

whooreing: they must see that their souldiers be expert in the use of arms; be fedd; be apparrelled; be provided for in their sickness. These are the wayes of bringing such high enterprises to a happy end. These gentilmén are eager for the obtaininge of higher posts; but they will not take pains to deserve them.

“3. The Confederat Princes abroade, as the Catholick King,¹ the States General, and the rest, haveing receaved an account of Schomberg’s ill success in Ireland, wrote to the Prince of Orange, putting him in mind, that, if he did not goe himself in person into Ireland, and bring the strength and flower of England with him, the warr therein would last long; and consequently his allyance would signify nothing unto them: and thereupon they must be forced to make a disadvantagious peace with the common enemy. This suggestion rayseed the Prince on a resolution to undertake the Irish expedition: and so accordingly he did prepare for the next season. He had already of forraigners in England about 8000 Danes under the Duke of Wirtemberg, who landed at Hull on the 13th of November 1689. These veterans and other forraign troops with some English, the Prince designed to bring along with him into Ireland at the ensuing spring. p. 578.

“4. In the mean tyme there happened noe winter-action of any note between the Catholick and Protestant troops on the frontiers of Ulster, except two or three. On the 24th of November Captain Christopher Plunkett of Lagore² in the Lord of Louth’s regiment, was sent with his company of grenadiers by Major-General Boisselau³ from Dundalk to take the above-mentioned Newry, an open town then garrisoned by a few of Schomberg’s army. He marched in the night tyme, and by the dawn of the day he made himself master thereof by the slaughter of a few of the enemyes. And as he was goeing to plunder the place, which was furnished with good store of money; and had horses and black cattle, the Captain received an order from the Major-General to retire immediately to his quarters. What reason there was for this order, we have not been informed otherwise than that the first dessigne was onely but to show to the rebels, that the King’s frontiere garrison was watchful and bould. If this was the true reason, it was foolish, for exposing men’s lives to noe purpose. And at the end, the Major-General was in danger to be treated as an enemy by som of the sturdy grenadiers, who hardly could bear such commands. He should have used those fooleries with his beasts: and not with men, whose lives are pretious to the country. This is a frequent fault in commanding officers, who value the lives of their souldiers not so much as some men do their dogges. And this is a reason, why it is a pitty, that men should be under fellow-men; but that necessity requires it. Hence I inferre that great commanders should have as much of conscience as of skill. By this they would be barred from flinging away the estimable breath of men upon every whimsey. And here it is, that I offer my sentiment, p. 579.

that the sending abroade of parties at much danger for some small prey, or for cutting off a few of the enemyes, or for any such insignificant end, is seldom, or neaver rational. Lett the men be preserved, either for a grand battle, or for a grand siege, or for to fight a considerable body, or for an important booty, or to gain or defend a necessary pass, or to cutt off the enemy’s provision, or in short for some other enterprise that is of importance to the whole army. p. 580.

¹ Charles II. of Spain.

² In county of Meath.

³ Major General Boisselau, who accompanied James II. from France to Ireland.

MSS. OF
THE EARL OF
FINGALL.

"5. After this business of the Newry, and in Janury immediately followeing, Brigadier Nugent of Westmeath, went with a party to besiege the castle of Kennaught¹ in the county of Longford belonging to Sir Thomas Newcomen. The castle was defended by the Lady Newcomen, and some Protestant rebels that took refuge therein. The Brigadier expunged it, on conditions advantagious to the besieged, the 13th day of the-above-said month 1689, ould stile, but 1690 stilo novo.

p. 581.

"6. In the followeing March, and on the 14th day of the month, a French fleet of fourty-one men of warr, four freships and five flutes² arrived at Kinsale from Brest, carryeing for the service of the King of England six regiments of foot, viz. of Fimmarcon, of Zurlauben, of Merode, of Lamarche, of Courtasier, and of Forest; makeing fully six thousand men. Besides this: there was three or four hundred Irish: som English: and some French volunteers: with 22 pieces of canon for the field: three hundred bombs of different sizes: six thousand grenades: a great quantity of ball of all sorts; and of arms and of other necessaryes for the King, and for that particular brigade: the General of which was Count de Lauzun: the Lieutenant-General, Marquis de Lery. This body was ordered by the King to come to Dublin; where they were quartered, till they took the field in May.

p. 582.

"7. In exchange of these forces, the above-named Irish regiments under the conduct of the Lord of Mountcashel, were embarked on the same fleet at Cork in the month of April for France, where they safe arrived. This opportunity for returning was taken by Count d'Avaux, the French Ambassador, and by General de Rosen,³ they not approving of the King's method for the preservation of Ireland.

p. 583.

"8 But in a month before this there happened a small fight at Cavan on the frontiers of Ulster between the loyalists and the rebels, Mareschal Schomberg, designing to streighten the Irish quarters on the borders of the North, ordered Brigadier Wolsely to take a party of Enniskilleners and of English souldiers and marche to Cavan, the head of that county, and fix there. The King being informed thereof, sent from Dublin his commands to Brigadier Nugent to marche to the said Cavan with 800 men from the countyes of Westmeath and Longford: and at the same tyme his Majesty enjoyned the Duke of Berwick to marche from the county of Dublin with the like quota to the same place, in order to hender the enemy from gaineing ground. Both the royal côres for the most part arrived at the open town of Cavan on the 10th of February. They were all foot, except a troop or two of horse. Brigadier Wolsely came to the place on the 11th in the morning with 700 foot and 300 horse and dragoons. The Duke of Berwick, commander in chief, being alarmed, and not well prepared, drew however his men out of the town to an open ground: by which he gave an advantage to the enemy, who was come to attack him. For the enemy seeing that posture, he placed his foot within the hedges and ditches of the avenues of the town; and so took the defensive. The King's forces being divided into two wings, assaulted the rebels within their fences. The charge being given and maintained smartly, a party of Irish hors broake another of the enemyes. But the left wing of the royalists was so overpowered by fighting at such an inequality, that they were

¹ Kenagh, Kineagh, barony of Moydow, co. Longford.

² "Fluit," "flûte,"—ship mainly for conveyance of goods.

³ See "*Mémoires du Maréchal de Berwick écrits par lui-même*," vol. i., p. 64. Paris: 1778.

forced to retire into a fort, that was near them. The right fighting at the like disadvantage, retreated also thither. By which the rebels gained the field. Of the royal party there was about 200 killed: amongst whom was Brigadier Nugent, much regretted for his bravery. So was Adjutant Geoghegan; and Captain Stritch; and a few other officers. There was ten officers made prisoners: of which were Captain William Nettervil, Captain Daniel O'Neil; Captain O'Bryen; and Captain George Macgee. Of the enemies there was slain Major Trahern, Captain Armstrong, Captain Maio, and near 50 privat men: and about 60 wounded. Brigadier Wolsely returned to his own quarters, having first burnt the town of Cavan, not being able to keep it, because the castle was in the possession of the Irish. p. 584.

"9. The month of April being com in the year 1690: Mareshal Schomberg, like a vigilant general, drawes out of winter-quarters his army into the field, in order to take the King's fortress, called Charlemont,¹ in the county of Ardmagh, before the landing of the Prince of Orange and his forces; to the end his Highness might find the whole province of Ulster entirely under his obedience at his arrival. The Mareshal then sate down before Charlemont about the 22nd of April, which held out three weeks, untill the garrison had nothing to eate. Upon which the governor, Sir Thadey O'Regan delivered it upon honourable terms the 14 of May, that the garrison, being 800 men, should marche away with their arms and baggage. You see, reader, that it was ill management which hath lost all along, whatever part of the country the enemy hath gained. It was easy in the winter to send provisions into that town for a much longer siege: yett it was not don. You shall meet with more of those faylures, before the warr endes. In the meane while I must say, that a King is not able alone to inspect into every buisiness, that comes under his government. 'Tis therefore assistants he must have: and these ought to be men of skill and conscience, as we have often said: otherwise the nation is destroyed. Whosoever those healpers were either in advise, or in execution, whom his Majesty made use of in the management of the military affayres, proved either ignorant or dishonest. The common report blamed (amongst others) the Earl of Melfort,² who was Secretary, as above said, and had the disposal of the warlike stores. p. 585.

10. By this tyme his Majesty commanded, that his troops should draw out of their quarters, and rendevouze at Dundalke, in order to wayte there for the Prince of Orange (who was to land in Ulster where Schomberg lay) and to give him battle. These troops convened there: but not so many as should have mett for the desigine. For too many regiments of foot were left in garrisons, and that to noe purpose, as it happened afterwards: whereby the King's army, which took the field, proved much inferior in numbers to the host of the rebels: tho' I owne, excellent art might have supplied that defect. This was a strange oversight in the King and his generals, not to have brought the strength of the kingdom to the field, since the resolution had been taken of putting all upon a battle. By this management the King was neither strong in the field, nor strong in towns. For not one garrison was of any notable strength in the beginning of the warr: nor any care hath been taken since then to the day of the Boyn (that is a year and a half) to fortify the places. p. 586.

p. 587.

¹ For an account and drawing of Charlemont Fort, see "Facsimiles of National MSS. of Ireland," Part IV.-1, Plate xl. London: 1882.

² For Letters written at Dublin by John Drummond, Lord Melfort, in 1689-90, see Eighth Report of this Commission, Part i., 1881, p. 492.

MS. OF
THE EARL OF
FINGALL.

p. 588.

"11. It would have been better, if the King had taken the field sooner, and entered into Ulster: by which attempt he might have cutt off the army of Schomberg, before the Prince of Orange could land with the rest of his forces. However, his Majesty being come to Dundalk on the 16 of June, fixed there his camp with a resolution to expect the arrival of his enemy, and fight him. The ground was naturally fortifyd: to which some works were added. But if the King had proceeded 4 miles farther to the nigher end of the long cawseway, that runs thro' the middle of a great bog at a place called Four-mile-house, as being within four miles to Newry, and as many to Dundalk; the moyety of his army with good management could have stopt the enemy: whereby he would have been forced to take a fatiguing marche to either of the two passes in the county of Ardmagh. In the interim the King might be reinforced with ten thousand men of militia from the adjacent countyes, and be also before the enemy at those passes as haveing the lighter army where his Majesty could with more ease defend those streights. By which the Prince of Orange would have been detained a month in the desolated country to the hazard of famishing his troops. Nor was there any other way to pass directly into Leinster from the North. His remedy was either to reimbarke his army, and land on the coastes of Leinster: or to marche thro' the province of Connaught. By that tyme the campagne would be at an end, which would crowne the King's affayrs. For by the next spring his Majesty might have double his forces on foot."

VI.

[WILLIAM III. IN IRELAND.]

p. 589.

"12. But to return: we are to tell you, that the Prince of Orange with fayr troops embarked at High Lake in Lancashire on the 11th of June [1690]; and on the 14th he landed at Carigfergus. He joyned immediately Mareshal Schomberg, by which conjunction there was an army made up of thirty-six thousand chosen men of which 14000 were hors, most veterans, Danes, Germans, French, Dutch, English, Scotts, and Irish Protestants, well payd, well cloathed, well armed, with a numerous artillery. With the Prince of Orange, and in some tyme before, came Prince George of Denmark, the Duke of Wirtemberg, General of the Danes, the Prince of Hesse-Darmstadt, the Lord Dowglass, Count de Nassau, the Duke of Ormond, Baron de Ginckle, Count de Solmes, Lieutenant-General Macay, Major-General Scravenmore, Major-General Talmash, Monsieur d'Overkirk, the Earl of Oxford, the Earl of Portland, the Earl of Scarborough, the Earl of Manchester, the Lord Sidney, and others of quality out of England, all zealots for the cause. Which kingdom was left feeble in strength of trained souldiers; for the remainder of the English forces was, for the most part, sent aboard the fleet, in order, with the assistance of the Dutch navy, to secure the coastes in the Prince his absence. With this fine army the Prince of Orange marched to Lough Brittlan¹ on the 22 June, and encamped there, where he had his forces mustered.

p. 590.

"13. On the other side, the King haveing receaved an account that the Prince of Orange was landed, and resolved to marche up to Dublin, he sent out of his camp on the 22d of June a party towards Newry, for to tak som prisoners, that he might learn the strength of the enemy. The

¹ Loughbrickland, co. Down.

party consisted of four companies of grenadiers under Collonell FitzGerald at that tyme Lieutenant Collonell to the Lord Bellew: and of 60 horse under Collonell Lawrence Dempsey, then Lieutenant-Collonell to the Lord of Galmoy. They had orders to remain at the nigher end of the four mile pass above mentioned. They were not here long, when they discovered between 2 and 300 English foot and dragoons at the other end of the pass: who, it seems, were coming from the Newry towards Dundalk for to know the King's strength, and how his army lay. The Irish suffered them to pass the cawseway: and then they poured their shott in amongst them. There was a return made. But the English dragoons being more numerous charged the Irish horse with such fierceness, that they disordered the troop. Collonell Dempsey suddainly again brought them into order; and returned the charge with that violence, that they broake their enemyes: and in that confusion a party of the Irish grenadiers fired in among them, which caused a general flight in the English, of whom there was nigh 30 killed; and Captain Farlow and another officer were made prisoners. There was about ten of the Irish slain, and Collonell Dempsey received a mortal wound, of which he dyed within three dayes after at Ould Bridge, a village on the Boyn. He was regretted, because he had been a good horse officer, who had been a Collonell in the King of Portugal's warrs. p. 591.

"14. The Irish party being returned to Dundalk; the King was tould by Captain Farlow, the prisoner, that the army of the Prince of Orange was 50000 strong. This, I am sure was an exaggeration, for to oblige the King to fly before his enemy, and leave him the country of plenty, of which Orange stood in need, not haveing any sustenance but what he brought with him out of England: which could not by that tyme be much. The true list of his army was, as I sayd above, 36000 effective men: or otherwise, two troops of guards: 23 regiments of horse: five of dragoons: and 46 of foot: of which a few the Prince left as garrisons in the North. 'Tis true he had near thrice as many horse as the King. For his Majesty had but eight regiments and two troops of guards, tho' a most excellent cõre: three regiments of which, viz. of Tyrconnell, Galmoy, and Sarcefield, could hardly be matcht. The King had also seven of dragoons; and 50 of foot, besides the five regiments, he had sent to France: in whose place he received six French. Yett of these bodyes of men, the King had not in the field against the Prince, the day of the Boyn, but 26000, French and all; the rest being in garrisons; and his train of artillery was not above 18¹ small pieces of which 12 belonged to the French brigade. However, this information of Farlow, tho' in itself not credible; (considering, that both England and Holland (Holland being then in warr against France) were not then in a condition to spare so great a body: nor was England able in so short a tyme to transport and feed such numbers) yett it had this effect, as to make the King believe that the Prince was much superior in his troops. Whereupon his Majesty commanded the camp to rise and return towards Dublin. He repassed the Boyn with his army on Sunday the 29th of June, the foot thro' Drogheda, and p. 592. p. 593.

¹ MS. indistinct. The Duke of Berwick, who was present on the occasion, wrote: "Les ennemis avoient quarante-cinq, mille hommes, et nous n'étions que vingt-trois mille."—"Mémoires," 1778. The Jesuit, Père d'Orleans mentioned that "l'armée du Roy [Jacques] de la Grand Bretagne ne pût guères passer vingt mille hommes, une grande partie à demi armez, et n'ayant d'artillerie que douze pièce de campagne, qu'on avoit amenées de France."—"Histoire des Révolutions d'Angleterre," 1714.

MSS. OF
THE EARL OF
FINGALL.

p. 594.

the horse thro' a forde of that river at Ould Bridge: before which ford he encamped that night, with his left towards the Bridge of Slane, and his right to Ramullin,¹ where the King's pavillion was. In which camp he remained all the next day, and till Tuesday morning the first of July. In the interim the Prince of Orange marched close after the King from Newry: and came to Dundalk on the 27th of June. On the 29 he marched a litle beyond Ardee, and there encamped that night. On the last of June, a Munday morning, he arrived on the other bank of the Boyn opposit to the King's army, and there fixt his camp. That same day in the afternoon the Prince of Orange being accompanied by the Prince of Denmark, and other great officers, went to view the King's camp from the contrary side of Ouldbridge. One of the royal canoniers perceaveing a troop of hors to observe the Irish camp, fired that way a small piece: the ball of which slanted upon the right shoulder of the Prince of Orange, and took away a piece of his coate, and struck off the skin. This was a thunderbolt to the saints of rebellion: and it was like to putt an end to their holy warr.

p. 595.

"15. Here we will consider thus: either the King resolved at his encamping on the banks of the Boyn to fight the Prince of Orange, in order to keep him beyond the river, the ould Rubicon² of the Pale, and the frontiere of the corn country; or he resolved not. If he resolved not: why did he not decamp earely a Munday morning, before the Prince of Orange appeared on the other side of the river: or a Munday night: because it is not safe to rise in the face of a more potent enemy? If the King resolved to stand his ground, why did he not use the common rules of art military for the strengthening of an inferior army against a superior? By which means the inferior doth gain often the point, as we see in the experience of warrs. There was at that tyme but a few narrow passes to be fortifyed on the Boyn which might have been don in the space of three howers by three hundred pioneers.

p. 596.

"16. But you will say: if the King's army had layn entrenched: the Prince of Orange would have decamped, and marched up by the river to Navan, or higher; and there have trajected. We answer first: the King might take the same course on his side, and be there sooner; as haveing the more expeditious army: and might have entrenched there in like manner. We answer secondly: that the King by these obstructions given to the enemy's passage could have called to his succour 15000 resolute men of the Catholick militia and volunteers out of the adjacent countyes of Meath, Dublin, and Kildare; some armed with swords: some with half-pikes: some with fire-arms; and some with sithes, which with skilful management would likely turn the ballance to the King's side, considering how propense the people were at that tyme to fight against a most odious enemy, who came to devour their all.

"17. But unfortunately none of these courses was taken. Which makes me fear, that some one or more of the King's counsellors, were underhand intent upon the destruction of the nation. Otherwise, how is it possible, that such gross errors should be committed in the government of the army, and in using right ways and means against the attempts of the enemy? The King, 'tis true, resolved in the evening a Munday, to decamp that night: but unhappily again that resolution was not executed till a Tuesday morning the first of July about 8 of the

¹ Rathmullan, co. Meath.

² This term was also applied to the Boyne by Richard Bellings. See "History of the Irish Confederation and War in Ireland, 1641-43." Dublin: 1882, vol. i. p. 42.

clock : at which tyme the army was commanded to marche upwards by the river, giving their right flank to the front of the enemy ; in order, as 'twas believed, to goe to Dublin, for to gett a better opportunity of defence, or of giving battle.

MSS. OF
THE EARL OF
FINGALL.
p. 597.

"18. Before the army began to move, you must know, that there was two regiments of foot, the Earl of Antrim's¹ and the Earl of Clanrickard's, left at the ford of Ould Bridge within some gardins of the poer inhabitants, without intrenchment or canon, for to stop the enemy a while from coming over, till the infantry gott clear of the river. At the same tyme Sir Neil Oneil was placed with his regiment of dragoons at the ford of Rosnaree a litle beneath the bridge of Slane (the bridge being broake before) for to guarde that pass. This being so : the army began their marche. The Prince of Orange seeing them in their motion of goeing off, ordered his army (and not before) to pass the river in 2 places, principally at the ford of Ouldbridge, and at the ford of Rosnaree. He sent Lieutenant-General Dowglass, the Earl of Portland,² Monsieur Overkirk, and Count Schomberg, the Marshal's son, with above ten thousand horse and foot to pass at Rosnaree on his right. He sent a greater body under Mareshal Schomberg, the general, to traverse the forde of Ould Bridge: he himself followeing with the rest. p. 598.

"19. The King observeing the Prince to attempt a trajection, commanded his army to halt and face to the enemy, which they did ; and prepared themselves to fight upon the passage of the river. But alas ! they were deceived in their expectation, for there was noe battle ; because they were not brought to combat. There was onely a skirmish in passing the waters between a party of theirs and the whole army of Orange. And because this party did not keep all the hostile troops beyond the flood, the King's host must marche away, and leave the pass to the foe. If there was a settled resolution to fight, why was not the army lead down in two wings to the river with their field pieces, as they saw the enemy's forces divided : and there to stand it out for two or three howers ? The hostile canon could not much annoy the Irish, as being mounted upon an overlookeing ground ; while the Irish artillery might play without obstruction in the faces and flanks of the enemyes, as they were descending to the river, and crossing it. I am confident by the knowledge I have of the loyal troops, and of their eagreness for fighting that day, if they had been managed, as aforesaid, the Prince of Orange would not have persisted in traversing the water at such disadvantage, as violent as he was for approcheing to Dublin. Mareshal Schomberg better understood the point, when he made difficulty at that juncture to attempt the trajection, as he saw the Irish drawn up for combat. But he was overruled by the temerariousness of Orange : which notwithstanding did succeed thro' the non-resistance of the loyal host : which was occasioned by the ill conduct of Generals, as you shall now observe. The two great wings of the Prince of Orange his army being come to the river, action was discovered to begin at four in the afternoon both at the ford of Rosnaree, and at the forde of Ould Bridge. Whereupon it was ordered that five regiments of Irish foot should be in hast sent to reinforce the two before mentioned regiments at Ouldbridge. p. 599.

"At this tyme the Lord Dungan,³ was commanded down from the right with his regiment of dragoons, to give a check unto some advanced p. 600.

¹ Alexander Macdonnell, third Earl of Antrim.

² William Bentinck.

³ Walter Dungan or Dongan.

MSS. OF
THE EARL OF
FINGALL.

p. 601.

troops of the enemyes, that were ready to gain the bank at the upper end of the forde of Ouldbridge, in despite of the fire that was made on them at something too great a distance by the Irish foot which were posted near the said forde. The Lord Dungan having repulsed those troops to the other side of the river, marched back to his station. But in his retreat upon a high ground, he was unfortunately slain by a canon ball. At the same juncture Sir Neal Oneil on the left with his dragoons did wonders at Rosnaree in stopping the above said ten thousand men near half an hour. But there was no care taken to sustain him : and so he was forced to retreat to his line. In this while the King's army was only a spectator of this fierce conflict between a few regiments of their own, and the whole hostile camp, which was an unequal match. Whence we may judge, that it is easy for an host to gain the victory, where little or no opposition is given : and that a hundred thousand men signify nothing in the field, if they are not brought to the combat.

p. 602.

"20. Immediately after Dungan's dragoons retired, Marshal Schomberg brought down to the forde of Ould Bridge the gross of his cavalry, with orders to push on, and suffer no check. At this the seven regiments aforesaid of Irish foot observing they would be soon overpowered, they cryd to their own for horse to sustain them. In the mean while they make a smart fire at the enemyes, and layd them in heaps, as they were entering the waters. But their crying for horse was vain : for they received but one troop ; which was as good as nothing.

"21. At this tyme the King remarking from his station, which was at the church of Dunore, that the enemy was gaining the passes both on the right and left, sent orders to his army to retreat, leaving the conduct to the Duke of Tyrconnell : and then he himself went off to Dublin, being guarded by some troops of Collonell Sarcefield's horse, and by some troops of Collonell Maxwell's dragoons.

p. 603.

"22. As the King departed, the army began their retreat towards the bourg of Duleek. The left wing with the center went off first : which left wing was posted over against the ford of Rosnaree, the pass being first forced. The French brigade of foot marched in the rear of the center, bringing along with them their canon : by the help of which they covered the infantry, while the horse on the said left gave their assistance. The seven regiments of Irish foot, which guarded the great forde of Ould Bridge, not being supported by horse, were also forced to retreat : but were in danger to be intercepted by such of the enemyes, as had traversed first the river, before they joyned their main army ; which the Duke of Tyrconnell, from the right, perceiving, flew with his regiment of horse to their rescue : as did the Duke of Berwick with the two troops of guards : as did Collonell Parker with his regiment of horse ; and Collonell Sutherland with his. It was Tyrconnell's fortune to charge first the blew regiment of foot-guards to the Prince of Orange ; and he pierced thro'. He presently after engaged the Eniskillen horse, bold troopers. At the same tyme the two troops of guards, and the other two regiments of Irish horse signalized themselves ; and were bravely opposed by their enemyes. This gave opportunity to the King's infantry to gett off in safety. 'Twas during these encounters, that one Master Bryen O'Tool, of the guards, discovering his former acquaintance, Marshal Schomberg, near the village of Ouldbridge, resolved to sacrifice his life to the making him away, upon which he, with a few of the guards, and a few of Tyrconnell's horse made up to him : and O'Tool with his pistol shott the Marshal dead.¹ But, soon after, fighting like a

p. 604.

¹ See "Life of James the Second." By J. S. Clarke, vol. ii., London : 1816, p. 400 ; "Mémoires du Maréchal de Berwick," i. p. 72-75.

lyon he was slain. By the tyme Schomberg was killed, the Prince of Orange traversed the river with the rest of his army: who near the village of Dunore had some small engagement. For the Irish horse, especially the right wing, fought retreating all along in covering the main body, till they came to Duleek, two miles from the Boyne, where being pressed by the pursuit of the enemy, the Irish army halted, and faced about with preparation for a bloody combat, if sett upon. But the Prince of Orange observing the King's army to make so good a countenance, thought it more prudent to halt, and suffer them to marche away.

"23. The heat of this action lasted not above an hower, where you see that it was but a skirmish between nine regiments without canon or retrenchement, and an army of 36,000 choice men, for the defending and gaining a few passes upon a shallow river: and after the passes gained, there happened a running fight between a few regiments of horse with the help of a brigade of foot, and all the said army of 36,000 men for two miles, which shewes the retreat was admirable, considering the superiority of the enemy, and the openness of the ground. The loss on either side was not considerable as to the numbers of men: tho' the King by that little contention lost the province of Leinster, and part of Munster, being open countryes. There was slain of the loyalists about 500 men. Amongst whom was the Earl of Carlingford¹ a voluntier: by whose death his honour and estate descended to his brother Count Taaffe,² who was then in the Emperor's service. The Lord [Walter] Dungan as abovesaid, the only son and child then living to William [Dungan] Earl of Lymerick; upon which account he was much regretted. Collonell James Dempsey: Major Frank Meara: Captain Richard Plunkett. Sir Neil O'Neil, a brave gentelman was mortally wounded, of which he dyed eight p. 606. dayes after in the citty of Waterford. Major Thomas Arthur, of Hacketts-town was likewise wounded, and dyed in a few dayes. Several other officers were killed; amongst whom were some English gentlemen, Catholicks and Protestants, that had come out of England to serve His Majesty in the Irish warrs. Of these, Cornet Kirk and Captain Chaplain, Protestants, were killed: and Captain James Gibbons, a Protestant, was made prisoner. Lieutenant-Generall Hamilton was also made prisoner, and sent to the Tower of London.

"24. Of the enemyes there was slain, as above said, Mareshal de Schomberg, a most expert general, as the Marshals of France usually are; which was a sensible loss to his own side. This great commander having been dismissed by the Most Christian king, because he would not conform to the Catholick religion, he came to Holland, where he engaged in the Prince of Orange his service, as that Prince was preparing to invade England. His body was brought from the Boyne to Dublin, p. 607. and interred in the Cathedral³ church of that city. Collonell de la Calimots,⁴ brother to the Marquis of Rouvigny, alias Earl of Galway, was mortally wounded, and dyed in a few dayes after. The minister, Doctor Walker, who had been one of the governors of Londonderry against the beleagur of the Irish, as above mentioned, was here also slain with some other officers, and about a thousand privat men. The tents and the baggage of the Irish for the most part were taken. The army of Orange lay that night upon their arms at Duleek, having left their tents standing beyond the Boyne. The Irish army receiving orders from the Duke of Tyrconnel to marche unto the citty of Lymerick in the province of

¹ Nicholas Taaffe.² Francis Taaffe.³ St. Patrick's, Dublin.⁴ Caillémote.

MSS. OF
THE EARL OF
FINGALL.

p. 608.

Munster, they crossed the river Liffey that night at Leixslip, and at Chappel Izard.¹ The next day they marched forwards to Rathcool, to the Naace,² to Castledermot, thro' Carlow, and thro' Kilkenny, till they arrived at the said Limerick in the marche of 15 dayes. There followed them a great number of gentilmen, who had no military employments: and of the clergy; of farmers and tradesmen; as also of laydes, and inferior women with their children they haveing an aversion to stay at home under the arbitrary comportment of an heretical or infidel army. The enemy afterwards plundered their howses: took away what cattle was left behind; and seized on their estates and farms. The enemy also committed ('tis a certain truth) some murders in the county of Westmeath, and in the King's County. It is well, that Atheists did no more harm.

p. 609.

"25. The King arrived that evening of the skirmish at his Castle in Dublin: where he passed that night with a heavy heart in the consideration of his misfortune, which I suppose he reputed to be in the loss of the city of Dublin and province of Leinster, rather than in any loss, his army sustained. For this loss was nothing, as you have seen. And noe fault could be attributed to the army: because the army was not tried. And such of it, as were, did mervells. In consequence, we are bound to believe, that the rest would do as well, if they were brought to the test, which they did actually show in their retreat, where their pursuers were ten thousand superior: yett could not hurt them, tho' the ground was open. Hence we may probably inferr, that the King's army would have obtained the victory, if it had been brought to combat at the Boyn, considering the advantage they had by that river. Which inference is confirmed by their behaviour in the first siege of Limerick, and at the after battle of Aughrim, of which beneath. From the whole you may well be convinced, that the army was staunch in the fighting part: and that the miscarriage in gaining the end of the warr, proceeded from the ill management of some of those, who had the directive part. Wherefore we must conclude, that the King had noe solid reason to quitt Ireland upon the loss he sustained at the Boyn in his troops. For the army was rather somewhat stronger at the end of that petty conflict, than before. And at its arrival before Limerick, it might have been reinforced by ten thousand resolut men at the least; and might have there given battle (as 'twas expected) with the highest probability of victory. However, the King resolved to goe back to France. And so the next morning of the Boyn, being Wednesday the 2^d of July, his Majesty departed from Dublin, being accompanied onely by a few gentilmen; and travelled thro' the county of Wicklow into the county of Wexford: and came to the extremity thereof, viz. to the fort of Duncanon:³ where he took shipping for France, haveing found a French man of warr in that harbour. In his way the king called in at Kinsale; from whence he wrote a letter to the Duke of Tyrconnel; whereby he impowered him to assume the administration of the civil and military affayres: and to use his discretion, either to make peace with the Prince of Orange, or continue the warr. Within a few dayes after, his Majesty landed safe at Brest: and from thence he arrived at St. Germain, being the messenger of what fortune happened unto him at the Boyn.

p. 611.

"26. The next morning of the skirmish at the Boyn, the Prince of Orange sent Brigadier La Melloniere with a thousand hors and dragoons,

¹ Chapelizod.

² Naas, co. Kildare.

³ See "Life of James the Second." By J. S. Clarke, p. 403.

and a body of foot with eight pieces of canon, to summon Drogheda : wherein there was 1,300 Irish souldiers, and the Lord Iveagh governor thereof : who surrendered the town, on condition that the garrison should marche to Athlone without arms. This was a poor defence of a town, that gave work enough to Oliver Cromwell¹ to take it in the year 1649. On the 4th day of July the Prince of Orange sent the Duke of Ormond and Monsieur d'Overquirk to Dublin with nine troops of hors, for to secure the tranquillity of the citty. On the 5th he marched his army to Finglass a pritty village within two miles of Dublin : where he incamped. On the 6th being Sunday, he made his entry into that citty, being attended onely by a few of his great officers : and went to the Cathedral² church, for to hear a sermon. On the 7th the Prince issued a declaration³ dated at Finglass : wherein he promises to all farmers and tradesmen his protection of their persons, of their goods and chattels, if they would remaine at home, and follow their calleings. Yett this promise was afterwards ill performed by his officers and souldiers both in their marches, and in their winter-quarters in several places. But the estated gentilmens the Prince excluded from his mercy. This was a foolish edict : and the first of this kind, I believe, that eaver had been. For commonly a Prince entering into a country in order to conquer it, doth in the first place encourage the principal persons to submitt unto him. And when these are gained, the rest do follow in course. I suppose the Prince of Orange was perswaded to goe against reason in favour of his great officers, who would have the Irish Catholick lords of land to be rejected from all expectation of recovering their estates, because the said officers were sure in their own conceits that the Irish army would be overcome at last : and because then they might have those lands by the Prince's grant. This opinion of the officers was also foolish ; because the event of the warr is allwayes uncertain, tho' there be an inequality between both armies ; as all understanding persons will allow. Neither could these officers draw any inference for themselves out of the litle tryal at the Boyn. For their own loss was greater, tho' but a part of the Irish army fought their whole : and if the rest had been brought to combat, and had fought as their companions did (which we believe they would have don) there would likely have been an end of Orange his usurpation in that kingdom. Besides this : these officers could not be ignorant that the Irish might have a reinforcement by the tyme they came to Lymerick : where they might with greater advantage give the second battle. If their general had been pleased, he might have called to his assistance before the walls of Lymerick 15,000 good men by draineing the garrisons, and by summoning the voluntiers. Wherefore it was a great imprudence in the Prince of Orange to hazard the conquest of Ireland upon that avery conceipt. And, de facto, he soon found his mistake, to his stinging grief, at the walls of Lymerick : where his great-triumphing army was shamefully baffled by an indifferent proportion of the Irish forces in defending a most feeble town, as we shall see beneath. The like mistake his officers found in the following year at Aughrim, where they had noe title to the victory all the day, till a meer chance gave it them in the evening. In fine, they found their mistake at the second siege of Lymerick, where the Irish landlords secured unto themselves their estates by their sword.

p. 613.

p. 614.

¹ Original letters and documents, in connexion with the siege of Drogheda by Cromwell in 1649, will be found in the "Contemporary History of Affairs in Ireland, 1641-52." Dublin : 1879-80.

² St. Patrick's, Dublin.

³ See "Impartial History of the Wars of Ireland," by George Storey. London : 1693, p. 93.

MSS. OF
THE EARL OF
FINGALL:
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"27. The Prince having refreshed his army, and provided all things necessary for his further expedition, began his march from Finglass towards Lymerick on the 9th of July. At his decamping, he sent Lieutenant-General Dowglass with three regiments of horse, two of dragoons, and ten of foot with ten field pieces and two small mortars, for to take Athlone on the river Shanon, 50 miles from Dublin, it being the great-important pass into the province of Connaught. The Lieutenant-General came before the place on the 17 of July; and sate down on that side of the town, which lyes in Leinster, and in the county of Westmeath. He immediately summoned the garrison to yeald. But the governor,ould Collonell John Grace, knoweing his own strength and the enemy's weakness, rejected the summons, upon which Douglass made some effort to take the town unto the 25th on which day he marched off, in order to joyn the Prince of Orange in his way to Lymerick, after looseing above 40 men slayn, and 300 men by sickness.

"28. The Prince of Orange being arrived with his army at Castledermot in the county of Kildare, sent from thence Brigadier Epingher¹ with a thousand hors and dragoons into the county of Wexford, for to secure the marittim town of that name, and head of the shire: and afterwards to oblige the fort of Duncannon to surrender. They found Wexford abandoned, and in it a store of provisions and ammunition. Which place might have been easily fortifyd, so farr as to make a smart resistance against an army of twenty thousand men. General Cromwell could not take it in the year 1649, but by the treachery of the governor of the castle.² From hence Epingher went to Duncanon: which is the second fort of the kingdom, and lyes at the mouth of an excellent harbour. It is capable to make a considerable-besiegeing army to pay dearly for the expugnation thereof: and therefore it seems ridiculous, that a petty handful of men should presume to freighen it. However, Brigadier Epingher summoned it to yeald to the good fortune of the Prince of Orange. Upon this, the Governor, Collonell Michael Bourk, having a smart garrison, made some tergiversation in his resolutions. But at last, considering his scarcity of victuals, as he afterwards alleadged, and the want of sufficient powder, he condescended on the 26 of July to give up the place on condition that he and his garrison should march to Lymerick with arms and baggage.

"29. In the mean while the Prince of Orange came to Kilkenny with his army on the 19 of July. This town is the head of a county. It gave in Cromwell's dayes some resistance to his forces:³ but now 'tis abandoned. From hence the Prince sent on the 20th Count de Schomberg with a party of hors to possess Clonmell, a pritty town on the river Shure in the county of Tipperary and province of Munster. It was besieged by Oliver Cromwell:⁴ where he lost more men, than were lost of his in all the sieges of Ireland. But Schomberg findes the gates open, and noe garrison therein. On the 21 the Prince of Orange decamped from Kilkenny, and came to the town of Carrick, on the river Shure: where he encamped. The next day he sent Major-General Kirk with a party to summon Waterford. This is a citty seated on the river Shure, to which the tyde arrives, and several miles beyond it: and therefore it makes a handsom harbour. It is the head of a county in the province of Munster: and is a place of great importance. It might have made with a good garrison a noble defence against a grand army. At this tyme there was two regiments of foot therein: that of Colonel

¹ Abraham d'Eppinger.

^{2, 3, 4} See "Contemporary History," cited at p. 137.

Barret Governor thereof; and that of Colonel Charles Kavanagh. Major-General Kirk having sent in his summons, an answer could not be suddenly given, by reason that there rose a difference between Barrett and Kavanagh about giving up and defending the place. At last it was agreed to surrender the town on condition, that the garrison should be conducted with their arms and baggage to Cork; and thereupon it was delivered to Kirk on the 25th of July. Here the Prince of Orange may say, as Julius Cæsar did in his expedition of Zela,¹ *veni, vidi, vici*: so many towns hath the Prince taken without resistance. Which if each of them had given, Orange had been undone. For the warr of Ireland would have been prolonged: and consequently the Confederacy abroad would have been forced within two years at the farthest to make a peace with France for want of the assistance of England; which was all imployed against the Irish. By which peace all the power of France would fall upon poor England, to her chastisement for her frequent rebellion; and to the dethroneing of that unnatural usurper. Here I must owne my admiration, that gentilmen should take upon them to be governors of towns, when they know that they are not able to defend them. They should be so honorable in their dealings, as to tell the Prince so much, who imployed them; to the end, that the nation, who depends upon their defence, may not be destroyed. p. 618.

“30. After the takeing of Waterford, the Prince of Orange went to see it: and soon returned to his camp at Carrick.

“31. Here and at this tyme the said Prince receaved an account out of England, that the French fleet had gained a great victory over the English and Dutch navy in the channel on the 30 of June and that afterwards a body of Frenchmen landed in the west of England and burned some places on the coaste. This struck the Prince into a huge freight. Upon which, haveing ordered some troops to be imbarked for England, as one of his troops of guards: Count Schomberg's horse: Collonell Matthew's dragoons: Brigadier Trelawny's and Collonell Hasting's foot; he on the 27 of July left the army at Carrick with orders to marche to Lymerick, and he went to Dublin to take shipping there. The Prince lay at Chappel Izard, a pallace of the King's at the west end of the citty. But receaveing soon a fresh account, that the French at their landing did noe great harm; and went aboard again, and so off to sea; he altered his mind, and returned to his army on the 4th of August which he found encamped at Goulden Bridge within 22 miles of Lymerick. In four dayes after, viz., on the 8 of August, Lieutenant-General Douglass with his party from Athlone, joyned the Prince and his army at Carriginlish within four miles to Lymerick. p. 619.

VII.

[SIEGE OF LIMERICK BY WILLIAM III. A.D. 1690.]

“32. This is a citty² scituated on the Shanon, the first river of the kingdom: whither the tyde mountes from the ocean 60 miles within the land. It was then a weak town, haveing noe outward works, but a toy of a pallisade before a litle part of the wall: nor a rampart within. The wall is of an ould standing, and farr from being thick. Hither the Duke of Tyrconnel and the Irish army were come about three weeks before from the Boyn. A litle after their arrival, there was a report spread, that

¹ Zela] Alia, MS.

² A reproduction of a French map of Limerick appears in “Facsimiles of National MSS. of Ireland,” Part IV.-2, Plate lvi. London: 1884.

MSS. OF
THE EARL OF
FINGALL.

the Irish would putt their back to the walls of Lymerick, and there engage in a regular fight with the enemy for the whole kingdom. Which report rayseed the courage of the army, and invited noe small number of gentlemen, burgesses, and farmers, who flew before the enemy out of Leinster, Munster and Ulster, to approach to Lymerick, in order to share in the glory of that day. There was a strong probability for their prevalence, considering their advantage in the ground, their numbers much increased, and their resolution highly incensed by their loss at the Boyn.

p. 621.

“ 33. But the Captain-General, the Duke of Tyrconnel, took up contrary dessigns ; which he would fain putt in execution. His Grace had a discretionary power, as I said above, left him by the King, to make peace, or continue warr, as he should see it most conducing to his Majesty's interest, and his loyal people's welfare. Upon which he considers thus with himself : at Dublin two years before he was for a warr, and was the principal author of rayseing that great army before mentioned, in order to reinthron the King. He was encouraged to it by the assurance of haveing his Majesty soon in Ireland : by the expectation of seeing a sufficiency of money brought from abroad : by the hopes of haveing reinforcements of trained men out of France : by a strong probability of haveing thereupon good success : and by other motives. But now for different reasons he changes his first opinion. His Excellency observed, that the great army at first rayseed was disbanded to almost the moyety : he considered the ill success of the remaineing army at Derry : their miscarriage at the Boyn ; by which the province of Leinster, and the best part of Munster was lost : that the King returned to France : that the French brigade was goeing away : that the brass money, which hitherto had been the support of the army, was brought to noe value : that there was noe stores of provisions : that the province of Connaught, which remained unto them, was not able to maintain the army, and the vast multitudes of people entered thither from Munster, Leinster and Ulster : that Lymerick was a very weak town, yett was their chief defence against the enemy : that, if the Prince of Orange should be beaten in a pitched battle ; England with the assistance of Holland, would send another army, and another after that, rather than be at the mercy of the King, if he should be restored by the Irish ; that the Most Christian Monarch was not in a state to send them competent aydes, by reason that he had so many enemyes, as kept all his armyes at work : that, while the Catholick army was entire, it was the proper tyme to gett advantagious conditions from the Prince of Orange, who would readily grant them, for to secure his crown : that in fin it was not prudence in the abovesaid circumstances, and by a strained undertakeing to run the risk of destroyeing the lives of the people, the expectations of their estates, and the hopes of enjoyeing their religion. Whereupon the Duke made this his mind known to the mixt council of state and warr then present at Lymerick : and desired their concurrence to make a pacifick end of their troubles ; leaving to Providence the restoration of their King, since they are not assuredly able to compass it against the powers of England, Holland, Scotland, and the Irish Protestants.

p. 622.

p. 623.

“ 34. Against this opinion of Tyrconnel there rose an opposition : which was sustained with vehemency by a few officers of the army, and namely by Major-General Sarcefield,¹ by Brigadier Henry Lutterel, by Collonell Gordon Oneil, and by others. Zeal for King and country I

¹ The name of Sarsfield is throughout the MS. written in the above form.

highly commend,—but it should be exhibited with discretion. Over-audacious enterprizes are condemned by reason. What these caballing gentlemen can say for continueing the warr against the sentiment of the Duke, is reduced to these three points: that they have a sufficiency of men: that they have courage enough: and that they will have out of France a consummat general to govern their army: and therefore they will likely have a happy end. The truth of the three premised points I cannot deny. For all their losses hitherto since the beginning of the warr, are to be attributed to mismanagement, which if for the future they can rectify, I do not doubt but they will carry the day, supposing all other requisitts be supplied, of which immediately. For their not takeing of Derry proceeded from the want of battering-pieces: of which if the army had a dozen, they might have well made themselves masters of that town in 12 dayes after trenches opened. The loss of Croom-castle fight was caused by mistaking the word, that the commanding officer of the Irish gave: by which the strength of the Lord Mountcashel's army was drawn from the field. The looseing of the battle of Cavan was occasioned by ordering the Irish to attack the enemyes within ditches and hedges. The faylure at the Boyn sprung from several defects of military management, as 'tis easily known out of what we have said allready. And so of the rest. p. 624.

“ 35. But allowing that the Irish army is strong and couragious enough, and ruled by a most expert general: Is this sufficient to recover Ireland from the hands of so powerful an enemy, as we described above? Is not money, the sinew of warr, altogether wanting? It is so true, that it was the want of it, which chiefly putt an end to the Irish warr in the yeare followeing. And on the contrary, if there had been enough of it, the Irish army might have been so farr augmented from the very provinces of Ireland, which were under the jurisdiction of Orange, that they would have been able to drive the enemy into the sea. Neither was there sufficient provision within the Irish quarters to feed the army and the crowds of people gathered therein from all parts of the realm. The misery of which want they soon felt after the first siege of Lymerick. For souldiers have been seen to begg: and officers have not tasted of bread in five weeks. And water hath been the beverage of the nobler persons. How could it then be expected that men would joyn the army, when there was neither money, nor necessary food to be had? Not any subjects on earth would undertake warr for their King at the rate the Irish did. p. 625.

“ 36. There was another powerfull reason against prolonging the warr; which we touched above; and which we here repeate. The anti-Tyrconnel faction layd the preservation of Lymerick for the fundation of keeping up the warr. If it should be taken, all was lost, noe body doubting of it. If they could retain the town, they would have tyme enough to prepare a considerable strength against the next campagne. But now is the quære: How could the caballists judge it probable, that they would preserve with part of their army so very weak a place against a potent-triumphing host, that was furiously bent upon finishing the warr by the expugnation of that fortress? Certainly their undertakeing (on which depended the welfare of the nation) was temerarious after the manner they proceeded. For they should have kept the whole army within, and without the citty in the county of Clare-side, haveing first made retrenchements at the forde above the town, for to hender the enemy to pass the river, and to cut off the communication between the garrison and their camp: and this to the end, that the garrison in the day of a general attack, might be sustained by their army. p. 626.

MSS. OF
THE EARL OF
PINGALL.

p. 627.

"37. Notwithstanding these reasons: the factioneers must have their will: and on they will goe with the warr, relyeing upon expected provisions out of France, and upon French Generals: by whose wise management future miscarriages will be prevented. Yett in the mean tyme I must say, that other officers in great trust may marr all, if they prove not careful and faithful in the discharge of their duty, tho' the General be neaver so knoweing and vigilant, as we learn in histories of warr end as we shall see in the present warr, before it be ended.

p. 628.

"38. The Duke of Tyrconnel finding, that he could not gett a concurrence to his dessign of makeing a peace with the Prince of Orange, he disposed of the army thus. He left about 8000 men (of which som regiments were not armed) for the defence of Lymerick: the Governor whereof he appointed Monsieur Boisselau:¹ and give him as assistants the Duke of Berwick, Major-General Dorington, who was also Collonel of the regiment of Guards: Major-General Sarcefield: Brigadier Henry Lutterell: Brigadier Wauchop: and Brigadier Maxwell. The rest of the forces he sent into the province of Connaught. The cavalry remained a while hard by in the county of Clare under the command of the Duke of Berwick and Major-General Sheldon. This being don; the Duke of Tyrconnel departed the town, and went to Galway 30 miles from Lymerick, to provide for the shipping off for France the French brigade, who would not stay any longer in Ireland, because the King was gon, and they gave the kingdom for lost after the miscarriage at the Boyn, where they struck not a stroake, but what they did in the retreat.

p. 629.

"39. By the tyme Tyrconnel went off, the Prince of Orange invested Lymerick, viz., on the 9th of August. He sent that same day a summons of surrender to the town. But it was rejected by the Governor. The next morning the Prince sent Major-General Ginckle and Major-General Kirk with a great body of horse over the river into the county of Clare for the sake of forrage, and for to cutt off the communication between the Irish cavalry and the garrison. They passed the Shanou near Sir Samuel Foxon's howse two miles above the town, which the Irish might have prevented by making retrenchments, and leaveing strong guards thereat with a few pieces of canon. The Duke of Berwick hearing of their trajection, ordered the corn within ten miles of the citty to be destroyed, that the enemy might not make use of it. This action proved prejudicial to the Irish in the winter following, by reason it caused a great scarcity of grain. Then the Irish Cavalry retreated to the borders of the next county, viz., of Galway: and the English horse returned that evening to their camp.

p. 630.

"40. The next day, viz. on the 11th of August a deserter came from the English army into the town, and informed that there was eight pieces of battering-cannon, with ammunition, provisions, tinboats, and other necessaries on the road from Dublin coming to the Prince of Orange for the siege. Major-General Sarcefield being desirous to keep off the beleager of Lymerick for the present season, flew that night to the horse camp, and offered his service towards the intercepting of that great convoy. Upon which there was given him 500 horse and dragoons: with which party he hastened over the Shannon into the county of Tipperary, and thence into the county of Limerick: and without any rest marched till he overtook the convoy in two dayes after, viz. on the 13 of August, at a little,ould castle called Ballinedy within seven miles

¹ See ante, under page 578 of the MS.

of Lymeryck. He surprized it in [the] night-tyme. He bursted the canon; he burned the provisions and ammunition, destroyeing everything; and carried off som money, having killed about 60 of the sculdiers and waggoners, with noe loss of his own.¹ For this action the Duke of Tyrconnell recommended Sarcefield to the King's favour, and his Majesty thereupon, and for other considerations, sent a patent into Ireland in five months after, creating him Earl of Lucan.

"41. This loss of the artillery struck the Prince of Orange into a great fury; because it retarded the siege. However he gott other canon, that served his turn, by reason, that the wall was then without rampart, as above said. On the 12 of August Brigadier Stuart was sent by the Prince with a party and four field-pieces to take Castle-Connel, a strong-hould within three miles of Lymerick close to the Shanon. After a few dayes' siege, Captain Barnewal, the Governor, was forced to yeald himself and 120 men prisoners of warr for want of water. p. 631.

"42. On the 17 the trenches before the town were opened. The chief battery was soon carryed within a pistol shott to the south wall of Irish-town. On the 20th the Prince ordered a detachment to attack a small fort of the Irish, called the Stone Fort, in which there was about 100 men. The action on both sides was brisk. But the assaylants gained the place, haveing killed Captain Edmund Kelly and the major part of the defendents; and haveing made a Captain and the rest prisoners; with a greater loss on their own side in the slain. Within an hower after a strong party of foot of the besieged made a sally for to regain the fort. The dispute was sharp for a little while; but at last the Irish were forced to retreate at the approach of the enemy's horse, haveing lost some men; as the English did of theirs; amongst these p. 632. was Captain Needham and Captain Lacy.

"43. From the 17 to Wednesday the 27 of August, the mortars and canon of the besiegers played furiously. The mortars did not the dammage, which was expected. But the canon made a large breach in the wall; whereupon orders were given by the Prince of Orange in the morning of the said 27th to the army to prepare for a general attack. Five hundred grenadiers were to begin: who were to be supported by seven regiments of foot: and in like order other bodyes were appointed. The garrison was much fatigued by frequent-hard duty. However, they must reject conditions. But for the more easy and surer defence against the grand attack, which was soon expected, the Governor had timely a retrenchement made within the breach from side to side. Behind this work he placed a few pieces of canon and his batallions. He ordered some companyes to stand [within] the breach when attacked. Part of his men, who were on duty the day before, he did not call to the action at the beginning; tho' in the heat thereof they were brought into play. Thus p. 633. were both sides prepared to gain and defend the town: to finish and continue the warr: to acquire and preserve all. If the Irish should be that day overpowered, their all was gon; their religion, their property, and liberty; because they had noe possibility, after the loss of this town, to make conditions for themselves; and consequently the oppositt party would have all. The consideration of which matter obliges me to think that the Irish commanders hazarded too farr the safety of the nation in placing it on their defence of a very weak town without all their forces against so puissant an army; and this without resolveing to call for a

¹ See "Life of James the Second," by J. S. Clarke, vol. ii., p. 416; and "Impartial History of the Wars of Ireland," by George Story. London: 1693, p. 119.

MSS. OF
THE EARL OF
PINGALL.

p. 694.

parley, when they should see a wide breach made in the wall, and a numerous host ready to mount it. Such an obstinate defence is against the usual custom of garrisons; who come to a capitulation when they see their walls down, and a powerful enemy prepared to enter the town. I am of opinion that indifferent persons endowed with the military science, observing the besieging army, and the breach, and the garrison, would lay two to one that the town would be carried by storm. So that I am apt to believe, that providence had a hand in the preservation of Lymerick that day for the sake of the loyal people, who suffered so much for justice, to the end, that they might not be quite destroyed.

p. 635.

"44. But to go on; the Prince of Orange commanded the signal for attacking to be given between 3 and 4 of the clock in the afternoon, which being done his men went on bravely: and after some loss they mounted the breach. The first that did it was Captain Farlow, who no sooner gained the honour, but he got his death on the place: where the conflict was bloody. However, the assailants by their numbers prevailed, and entered the town, and the circumference of the retrenchment. 'Twas here the defendants put all their might: and their commanding officers signalized themselves in managing of this last contention wherein their all was at stake. Whereupon the soldiers were ordered not to fire, till the pound was full, as 'twas said: and then they poured in their shot amongst the ingressors from front, right, and left so furiously, that they put the living to a stand: and seconding seasonably their fire, forced at last the enemies to face about to the breach and fly. The Irish pursued violently, and drove them out of the walls, and into their works, making a great slaughter.' The whole action continued three hours with violence on both sides. In which there was killed of the besiegers, soldiers and officers, at least two thousand, besides the wounded. Of the besieged not above 100. Amongst whom was Captain Lawless: and Captain Smith of the Guards. But Captain Patrick Dowdall was slain a few days before in a sally.

p. 636.

"The next day there was a cessation for burying the dead.
"45. On Friday 29, the Prince of Orange called a council of war: wherein he proposed to make a second attack: which should be undertaken by the second line of the army, that was fresh: and the first line, that had suffered much, should sustain them. But the majority of votes carried it in the negative; which was improved by the Irish Protestants alleging that, if the army were foiled in the second assault, the Irish Catholics would regain immediately the whole kingdom: and therefore in this doubtful case, it was more prudent to proceed slowly in the conquest of the nation, than to hazard all at one effort.

p. 637.

"46. This result incensed most highly the Prince of Orange: which he testified by his discourse. Whereupon he made an order, that the army should decamp within 2 days, and go into winter-quarters. As for himself, he would return into England; leaving Count de Solmes Commander-in-chief of the army. He appointed the Lord Sidney, Sir Charles Porter, and Thomas Coningsby, Esquire, Lords Justices of Ireland. So having settled his affairs, he went away the next day, being Saturday the 30 of August for Waterford, being accompanied by Prince George of Denmark, the Duke of Ormond, and other persons of quality. From thence he sailed for England on the 5th of September.

"47. On Sunday morning, the last of August, the English army marched off from Lymerick with some precipitation, as fearing a pursuit

¹ See "Mémoires de Dumont de Bostaquet, Paris: 1864; and Facsimiles of National MSS. of Ireland," Part IV.-2, Plate xci. London: 1884.

MSS. OF
THE EARL OF
FINGALL.

from the Irish. But the Irish garrison were so unfortunat, as not to have their cavalry and the rest of their forces near them, which if they had, it is probable, that they would have given soe small blow to the retreating enemy, being much dishartened at their losses and disappointment before Lymerick; which opinion is confirmed by intelligent persons. The English army came to Tipperary, 14 miles from Lymerick, on the 6th of September. From hence they were dispersed into winter quarters. Count de Solmes, the General took his at Cashel.

“ 48. The Duke of Tyrconnel being at Gallway, haveing received p. 638. an account of all that had passed at Lymerick, rejoiced very much: as did the French brigade: who now would be willing to stay in the kingdom, since they had hopes of retrieveing it by the preservation of Lymerick. But the fleet being com for them, they durst not remain without new orders. Tyrconnel returned to Lymerick, to settle affayrs there, where he appointed Major-General Dorington Governor, because Monsieur Boisselau¹ was to goe into France. He ordered the army dispersed up and down to enter into winter quarters, and the Collonnells to recruit, who had not their regiments compleat. He also gave commissions to rayse a few regiments of foot for the next campagne, being contented to continue the warr, seing he saw some prospect of success, and that he could not gett a concurrence of the faction in the army to make a peace with the Prince of Orange, who would now grant better conditions than before the siege of Lymerick, yea, most ample articles, as feareing the warr would be prolonged to the undoeing of him, because the Confederacy abroad might in the interim be forced, p. 639. not haveing the assistance of England, to make peace with the King of France: the consequence of which would be the King's restoration. The Duke moreover constituted the Duke of Berwick Governor-General of the nation in his absence, because he was goeing into France aboard the fleet, that carryed the French brigade, for to justify his proceedings unto his King, and to begg of the Most Christian Monarch, what aydes he could afford. At this same tyme the cabal resolved to send agents in behalf of the nation to St. Germain, for to satisfy the King, in their opposing the Duke of Tyrconnel's sentiment; and for to obtain a French General, and other general officers, in hopes to carry on the warr with better success. The agents were three: Doctor Creagh, the Catholick Bishop of Cork; Collonell Nicholas Purcell, of Loughmoe; and Collonell Simon Lutterel of Lutterelstown. The Duke of Tyrconnel haveing settled affayrs at Lymerick, went to Gallway, where he embarked along with the French brigade about the 12 of September. In a litle while after, the Irish agents took shipping at Lymerick. p. 640.

“ 49. After Tyrconnel was gon: Major-General Sarcefield being desirous to gett some quarters in Leinster, went with a party about the 14 of September over the Bridge of Banhoer,² to besiege the castle of Byrr in the King's county, garrisoned by a company of Collonell Tiffin's regiment. But Major-General Kirk coming with a greater force to relieve the place, Sarcefield was obliged to march off. 'Twas about the end of this month, that Count de Solmes was called for into England by the Prince of Orange: and Baron de Ginckle was made Lieutenant-General, and Commander-in-chief of the English army: who had his quarters at Kilkenny.

“ 50. But before this it was judged to be most conducing to the Prince's affayres in Ireland, to take the citty of Cork and the fort of

¹ See ante, under page 578 of the MS.

² Banagher.

MSS. OF
THE EARL OF
FINGALL.

p. 641.

Kinsale in this very season: for which end preparations were made in England. Whereupon the Prince of Orange being arrived in London gave orders, that the forces designed for this purpose should be embarked immediately for Ireland under the command of the Lord Churchill, made Earl of Marlborough by the Prince. These forces were, Marlborough's regiment of fusiliers; that of Brigadier Trelawny; that of Princess Anne: and those of Collonel Hastings; of Collonel Hales; of Sir David Collier; of Collonel FitzPatrick; a hundred men of the Marquis of Winchester's, created Duke of Bolton by the Prince; 200 of the Earl of Monmouth's; the two marin regiments of the Earl of Torrington, alias Admiral Herbert; and of the Earl of Pembrock. With this body of men, in a fleet of eighty ships, great and small, my Lord Marlborough came on the 21 of September into the Cove or bay of Cork. The next day, the fleet passed up to the town by the great island on their right, and a litle insignificant fort on the left, ship by ship, by reason the streight was so small: which fort was soon destroyed by the canon of the men of warr, as they sailed by. That evening, the troops were landed hard by the town: and they invested the same. In a day or two followeing, Major-General Scravemore and the Duke of Wirtemberg joyned them from the county of Tipperary with 1,500 horse and 4,000 foot, haveing received orders a litle before, to that intent. The Governor of Cork was Collonel Macguillicuddy: who had 4,000 men for garrison. He held out to the 28 of September: at which tyme he was forced to yeald the town, and the garrison to be prisoners of warr, for want of powder: which the enemy knew the day before,—a strange neglect in business of highest consequence and an usual defect in the management of this warr, as I have often mentioned. The loss of so many men was noe small weakening of the Irish army: and the loss of that citty was very sensible to them; because thereby they lost the great county of Cork, as large as any other two countyes in the kingdom: they lost part of the county of Kerry; and part of the county of Lymerick: in which tracts of land the greatest part of the King's forces might for that winter subsist.

p. 643.

" 51. After Cork was thus taken, the garrison was transported into England. But, before the English fleet quitted the harbour, one of the prime men of warr was blown up by its own powder: which took fire thro' heedleness of those, whose office it was to look to the ammunition. In this vessel perished, among the rest, some Irish officers; and namely Collonel Charles Kavanagh, of the county of Wexford; and Mr. John Welsh, of Pilltown in the county of Waterford. Some were saved by being flung in shallow water near the shore; amongst whom was Collonel Barret, of the county of Cork; and a young son of Collonell Kavanagh's. 'Twas a deplorable disaster. When the fleet arrived in England; the prisoners of the chiefest consideration were putt into the Tower of London; as, the Earl of Clancarty; the Earl of Tyrone, who dyed therein; the Lord Baron of Cahir; and Collonel Mackillicuddy, Governor of Cork. The number of the slain, at this siege, was but little on either side. The English lost the Duke of Grafton, natural son to King Charles the Second. He was wounded, and dyed the 9th of October followeing.

VIII.

THE BATTLE OF AUGHIRM, A.D. 1691.

p. 679.

" 19. The loss of Athlone on the 30th of June rises up in judgement against the opponents of Tyrconnel in his opinion: which if followed,

would have preserved that town, and in sequel the province of Connaught, as all now do confess. When the newes of this misfortune came to the Duke of Tyrconnel, then at Lymerick, he groaned thereat: and redoubled his sorrow, that he was so unfortunat as not to be believed, when he proposed clear and sure wayes of saving his country from a total ruin. However, he must needs again deliver his opinion concerning the operation of the remaineing campagne. Which is: he would not now lay the kingdom upon a single battle, having heard of such a dessigne: but he would make a defensive and dilatory warr in expectation to be superior the next year by succours out of France. In the interim, and offhand (the foot being brought to Lymerick) he would send the Irish cavalry over Banhoer bridge into the province of Leinster, for to bring away from thence great booty: and also recruits from the Catholic inhabitants. This enterprize would oblige General Ginckle to send his hors after them, for to secure Leinster, from whence he had his sustenance. And his hors being gon; his infantry could not stay behind: and so Connaught would be still left to the Irish. There was noe reason to fear, that the Irish horse would be in danger. For being lighter, they would fatigue the heavy cavalry of the English host: and they had allwayes, upon a necessity, a safe retreat into Lymerick. p. 680.

“20. But General St. Ruth, knoweing that he could not well justify his looseing of Athlone at the head of a considerable army before the King, and his own royal master, thought it not fitt to pursue the sentiment of Tyrconnel: and so he chose to putt the kingdom upon a fayr combat, being unalterably resolved to bury his body in Ireland, or regain it speedily. Whereupon, observeing the strength of his army, he commanded the same to decamp from Athlone in the afternoon of that day,¹ wherein it was taken. He marched towards Lymerick: and proceeded with small marches, untill he came a litle beyond the village of Aughrim 20 miles from Athlone, and 30 from Lymerick, in the county of Galway. Where vieweing the ground, he judged it convenient for his dessigne: and so fixed there his camp in wayteing for the enemy. His army fronted Athlone to the east: and Lymerick was in the rear, and to the west. Before his front he had a morass: over which foot could come, but not horse. At each end of this morass, there was a passage; thro’ which the enemys horse could com to his right and left flank. That on the right was a litle forde caused by a stream issueing from the morass. That on the left was an ould broaken causeway, onely large enough for two horses to pass it at a tyme; and was 60 yards long. Beyond this causeway was the castle of Aughrim on a line and on the left within 40 yards: into which St. Ruth putt that day Collonell Walter Bourk, and two hundred men. He marshalled his army in two lines. p. 681.
The cavalry on his right was the regiments of the Duke of Tyrconnel; of the Earl of Abercorn; of Collonell Edmund Prendergast, before this of Sutherland, besides dragoons. This wing was to see that the enemy’s horse did not breake in on the right of the army thro’ the pass of the forde, and thro’ the narrow ground lyeing between two morasses after passing the forde. For the English had double the number in cavalry: tho’ the Irish had some advantage in the infantry. ’Twas here Lieutenant-General de Tessé, and Major-General Sarcefield, now Earl of Lucan, were posted. The other Lieutenant-General, the Marquis D’Usson, after the siege of Athlone went to Galway. On the left the

¹ 30th June, 1691.

MSS. OF
THE EARL OF
FINGALL.
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p. 683.

Marquis of St. Ruth placed the Earl of Lucan's regiment of horse, and those of Collonel Henry Lutterel, of Collonel John Parker, and Collonel Nicholas Purcell, with a body of dragoons. The Lord of Galmoy with his regiment was putt behind the second line of the foot, in the nature of a reserve for to answer occasions. The conduct of this left wing was given to Major-General Sheldon: the first line of which Brigadier Henry Lutterel commanded. Their business was to defend the pass of the causeway: near to which, for more security, there was sett two regiments of foot. Close before the first line of the Irish infantry there was a few ould ditches; which were serviceable to them at the first charge of the enemy. The management of the infantry was assigned to Major-General Dorington, and to Major-General John Hamilton. Thus was the disposition of the army. Noe doubt St. Ruth shewed good skill in chooseing ground, and in ranging his host for this fight, where his all, and the all of the nation lay at stake. The day before the combat he pronounced some words, wherein he manifested his desire, that all men would withdraw, and reserve themselves for garrisons, who were sickly, or unable to fight, as they should do; because he expected on the morrow to come to an engagement.

p. 684.

"21. The day Athlone was taken, the English army and the Protestants of the town, made great joy for so unexpected a victory: in gaineing of which they own to have spent nigh fifty tun of powder: many a tun of stones shott out of mortars: 12,000 canon-bullets: and 600 bombs: which is a great expence. So haveing rested here for some dayes, the army decamped on the 10th of July, and marched towards the Irish camp. On the 11th it came to Ballinasloe, three miles from Aughrim. The next day being Sunday, it arrived at Aughrim a little after six in the morning: where haveing rested a little while, the whole army was drawn up in two lines of battle. The Irish at that juncture were assisting at the sacrifice of mass: and a litle after prepared for meridian repast. But General St. Ruth observeing the enemy a-ranging in order for fighting, commanded his men to be marshalled according as we mentioned above.

p. 685.

"22. Both sides being fully prepared, action began a little after eleven: which mostly consisted in the playeing of the artillery, and in skirmishes for gaineing and defending some advanced posts and litle passes towards the right of the Irish: and which lasted thus till about six in the evening, when the main bodyes deeply engaged. In that while, the English were first repulsed: and afterwards they acquired those outward places. I mean, under the word English, the forraigners also: who were the better moyety of the army. Both parties, to give them their due, contended with extraordinary valour; in so much, that their combat was comely, anidst death and wounds, because fought with military skill.

p. 686.

"23. But General Ginckle, not satisfied with the obtention of those litle advanced posts, resolved to come closer to the matter, and make himself master of the forde on the right of the enemy, that he might gett in that way with his cavalry amongst the Irish foot: which he perceaved, was somewhat superior, at least upon the account of the ground: and which therefore he seemed to fear most that day. Upon this, he ordered down at two o'clock a great body of horse from his left, to attack the pass of the forde. Here the dispute was rude, because it was for a thing of consequence: wherein the English were first repulsed: until the Earl of Portland's regiment of horse, which then arrived in the camp, joyned them: and thereby they pushed the Irish from the forde to the body of

their cavalry, which was hard by: where they stood firm their ground all the day in spight of several attempts made on them; because the English horse, even after passing the forde, could not spread, being enclosed on the right and left by the above said morasses.

"24. General Ginckle did not like hitherto the countenance of the contention, because he saw no way to weaken the Irish infantry with his horse, if he should generally engage. This consideration put him in a doubt whether he should continue and come to a close fight that day. But it was soon resolved, that it was so best. Whereupon he commands his left wing to charge again violently the right of the Irish horse thro' the forde at 5 in the afternoon. Which they did with great bravery; and as well they were resisted; General St. Ruth takeing care to provide timely against danger. He shewed himself that day a good general: and did strain a point to recover the loss he had sustained in the miscarriage of Athlone. Between these wings the conflict was fierce. But at the end the English were forced to recoyl, not being able to compass their aym. p. 687.

"25. 'Twas at the period of this action, and about 6 o'clock, the main bodyes of foot on both sides came to close fight: and sharp it was. The English charged: and in their advancing, the Irish slew numbers from their litle ould ditches. The English gained them: and flew in bouldly among the enemyes. The Irish returned the charge: and broake and pursued them with great slaughter.

"26. Fresh bodyes of English came on again, and held the strife a good while in ballance. Major-General Dorington being pressed, sent for the two regiments of foot, which were placed in the beginning of the day to guarde the pass on the left. At the same tyme, General Ginckle ordered down four fresh regiments more of foot to re-inforce his combattants which made the contention very sanguinary: till at last the English gave ground and the Irish advanced near the enemy's field of battle. p. 688.

"27. This repulse was no sooner given than a grand còre comes poureing down on the Irish for the third tyme. 'Twas now the combat seemed more violent than before, and as if it were the last effort. After an obstinat storm, the English were constrained to retreat. The Irish followed, makeing use of club muskett: whereby the for-rainers suffered much. The regiment of Guards, and the whole royal brigade was particularly noted by the field to have performed uncommon execution. The Irish pursued so farr that they gained the enemy's ground, and maintained themselves thereon. Collonel Gordon Oneil with his regiment took some of their canon. p. 689.

"28. At this, General Ginckle seeing his center wholly broake: his left wing to have noe small losses, without being able to have gained their point: that his right wing could not with any safety gett over to the left of the Irish: and that the foe was on his field of battle, he became so disturbed in his thoughts, that he could not well resolve, what to do, unless to take his flight: of which some marks appeared immediately.

"29. On the other side, General St. Ruth remarking the condition of the enemy, and his own success, cryed out in his language with joy: 'Le jour est à nous, mes enfants': 'the day is our own, my boyes.' To whom I thus address on this occasion: 'Great General, you may well say, if God gives you life, nay an hower of life, you will presente a kingdom unto his Majesty of Great Brittain, as a grateful return

MSS. OF
THE EARL OF
FINGALL.

p. 690.

for the honour, he had don you, in makeing you Mareshal General of Ireland. If the powers above shall think fitt to suffer your vital thread¹ to be cutt on this place; at least you may dye with this comfort, that you have left the army entering upon possession of the realm; and if their leaders will not perform so easy a task, as to take absolut possession thereof, the fault is not yours, but theirs alone.' And in truth it proved so.

"30. Amidst that confusion of General Ginckle, some of his great officers advised him for his last remedium, to attempt once the sending his right wing of horse over the pass of Aughrim-castle, notwithstanding the danger thereof. The General took this desperat advice: and so ordered it to be executed. Upon which the cavalry marched; Rouvigny's regiment being the first.

p. 691.

"31. The Marquis of St. Ruth observeing the enemy coming towards the pass, he gave orders to the left wing of his horse, that had been idle all the day, to goe and oppose him, which he knew was easily don: and therefore he continued his joy, as being sure of his point. Here we are to take notice, that this long-bloody contention is just a ending: that the victory is so certainly in the hands of the Irish, that nothing can take it away but the gaineing of that most perillous pass by the castle of Aughrim: that the defending of it is so easy, that a regiment may perform the task. At least four regiment of hors and four of dragoons might make the passage impossible. This being so: what a pity it is, to loose a kingdom at so slight a rate, as not to venture a few men! What a pity to bring thus thousands of families into slavery! To suffer religion, the true worship of Almighty God, to be suppressed! To keep, in fin, a mighty monarch in exile! What excuse can the left wing of the Kings cavalry make for themselves, if they will not hender the enemy's gaineing the said pass, and obstruct thereby the ensueing calamities? Their bleeding country requires it: their suffering Prince exacts it: and their oppressed kindred implores it, and expects it. They have had all the day conspicuous examples of bravery before their eyes: their companions on the right fought like heroes: their foot in the center threw all down before them like thunder-bolts: so that there is nothing wanting to make them all an eaver happy nation, but the easy concurrence of the cavalry on the left, which in reason, in honour, in friendship, and in loyalty cannot be denied. Is there not here some zealots, who opposed the Duke of Tyrconnel, because they thought him not zealous enough for his country? Now, therefore, lett them show to the world, that their zeal was solid, and their intention sincere. But alas! these remonstrances will prove in vain, tho' the great officers of that cavalry must needs have had the same thoughts more or less at that juncture.

p. 692.

p. 693.

"32. So we will proceed and say: that General St. Ruth haveing sent his command to the horse to marche and oppose the enemy at the pass, he himself must needs goe along for to see them perform their duty, that there may be noe faylure in the last scene of this bloody tragedy. They moved: and the General followed with his guards. But as he was rideing down a litle hill, a canon-ball from the other side directed by the canoniere amongst the troops, that were going to defend the pass, missing all others, struck the Marquis of St. Ruth in the head: at which he fell: and at the same tyme it layed the nation prostrat at his feet. A cursed ball, that carryed such a measure of woe! O people of

¹ thread] thrid, MS.

Ireland! you were not, it seems, judged by heaven worthy of those blessings, which you expected by undertaking this warr: that is, to re-inthroned your King: and in sequel to establish your religion, your property, and liberty. Your sins, your sins have been the barriere to that felicity. As soon as the body was down, one of the retinue carryed it off: and brought the corps to the town of Loughreagh, and there interred it privately.

“33. Behould this great man gon at the height of his greatness! Which shoves, we must be allwayes mistrustful amidst the smiles of fortune. Let us see what immediat effects produced this death in the field. We find in history, that some armyes in battle have despayred of victory upon the killing of their General, and so retreated: that others gained the day much the sooner upon the like disaster; because they were carryed on with a violent zeal to revenge the death of their leader. But we neaver have read, that an army overcoming all the day, and ending victoriously the combat without any considerable loss on their side, and their being noe difficulty to accomplish the petty remnant of the fight; that such an army, I say, gave up the victory of their own accord at the death of their general commander. 'Tis onely the Irish army, or, more truly, a wing of it, at Aughrim, in the province of Connaught and kingdom of Ireland, that began this precedent in the year 1691. p. 694.

“34. As soon then, as the Marquis de St. Ruth was slain, the Guards withdrew from the field. Brigadier Lutterell, who was at the pass with the advanced troops heareing of it, did the like after a small resistance. Major-General Sheldon with the main body of the left wing followed, making their way to Loughreagh; and thence to Lymerick. At the same tyme the Irish infantry went on thundering: and their cavalry on the right stood firm to their ground, being prepared at every moment to encounter bravely, as they had don several tymes that day; litle dreameing that their horse on the left would abandon them: or that the enemy could gett any way to snatch the laurells, which they had reaped in the field of blood for several howers. p. 695.

“35. It would be a satisfaction to the nation to know, what solid reasons these great officers have for their goeing off the field, of their own accord, and without any compulsion, at a tyme when their presence was so neces-ary, that the safety of the realm depended thereon. They say they had this one reason for so doeing, because there was no General to command them to oppose the enemy at the pass. To the annulling of this reason, we answer in several wayes thus: First, the end of their being in the army was to serve the King and country upon all occasions in general, and particularly in suppressing the present rebellion. Here was for them a fayr occasion to compass that end: and the best that ever they had, or eaver will have, which was warrant enough for their encountering the foe at that juncture without any special command. For by their fighting in this occasion, noe dammage could ensue to King, country or the army: and by not combatting, the destruction of all would follow, as it proved in fact. The nicety of martial lawes ceases, when an inevitable ruin is at hand, unless you do the moment before obstruct it; and when therefore there is noe tyme to gett positive orders from higher powers for preventing the same. In such case there is a tacit order allwayes supposed, which order is like to the law of self-preservation: which warrants my opposing the person, that invades my life, without my recurring to the magistrat because such delay would prove my death. Moreover there comes under this p. 696.

MSS. OF
THE EARL OF
FINGALL.

p. 697.

case the law of society: whereby I may without command, and I ought, if able, to preserve the members and head thereof from any imminent danger. This sort of procedure is justified by necessity which is above the laws politick: in so much that the lawes of warr, forbidding the souldier or subordinat officer to assault the enemy without orders from the superior or supreme commander, are dormant in the case of necessity, as was evidently that of defending the pass of Aughrim-castle. So we'll proceed, and say secondly: that the great officers of the left wing of the Irish cavalry, were placed by General St. Ruth on that ground in the beginning of the fight, for to secure that very pass, to the end, that the hostile cavalry might not come over to the endangering of the King's army. This was a particular order to them to watch the enemy's motion, and fly to his resistance, whenever he attempted to gain the said pass. Thirdly: the General in a few minutes before his death, when he saw the enemy coming towards the pass, gave them fresh and positive orders to marche and oppose him, for to make the victory compleate by frustrating the foe of his last endeavour: and both the King's cavalry and the General himself were actually in their march towards the place. Sure this was warrant enough for their continuie the dessigne, whether the general were present or absent; whether dead or alive. Nay, I should think, this order was binding till executed: so that those officers disobeyed the command by turning their back to the foe: and consequently they stand guilty of a breach in military disciplin. Fourthly: they were absolutely certain that it was the General's will all along: that all the General Officers on the right and in the center required it: and that the whole army expected it, that the left wing should secure the pass above all things for their safety, and for making sure the day. Was not this a high-commanding order? Was it not instruction enough unto them, what to do in the case? Certainly it was: and so farr, that they cannot possibly pleade ignorance, nor fear of offending higher powers, or goeing against the rules of martial disciplin. Fifthly: They knew that, if they quitted their post, their infantry would be murdered, as exposing them thereby all naked to the fierce assaults of the hostile cavalry, at the nick of tyme, when they were weary conquering, and had consumed their ammunition and consequently lay defenceless. They also knew, that, if their foot was gon, the day was lost; and in sequel the nation was enslaved: their own kindred and families were destroyed: and the King undone. Now to prevent these calamities, was a supreme authority unto them to goe and keep the enemy beyond the pass. And for soe doing, their country would have blessed them: the King would have been redevable¹ unto their prowess: rebellion and usurpation would have been ended: the end of the warr would have been obtained: and heaven with blessings would have crowned them.

p. 699.

p. 700.

"36. Neither could they alleadge for their justification an inability in stopping the foe. For the General knew the contrary. So did the enemy, who all the day, though he was sincking in his center and on his left, yett durst not once, for his relief, attempt to traverse the caws-way, till despayr at the end compelled him to trye that experiment at all hazards. So reason shewed the easiness of the fact without controul, and experience confirmed it. For as the right wing made good their ground and guarded the infantry where the enemy had som access unto them, so with more ease might the left (that was also somewhat superior) foyl the enemy at a pass thro' which the access was

¹ Redevable (French), indebted to.

exceedingly difficult. And, in verity, if the enemy had gott the passage, it was expected that the cavalry on the left now swollen with the success of the army, and inflamed with a desire of shareing in the honour, and of putting an end to the happy battle, and to their own calamities, would have been match enough for him, and especially reinforced (as they soon might be) with some battalions from the second line of their infantry, which had not toyled near so much as the first line had don all the day. In fin : since the King's cavalry on the left ware resolved to retreat, an indispensable obligation lay on them to send warning to their foot to goe off with all speed, while they themselves should cover their retreat, which they might have don without any sensible loss, especially assisted by the right wing, as a few regiments of horse brought off the right of their foot at the Boyn by a running fight for two miles. p. 701.

“ 37. The necessary result of this discourse is that the commanding officers of the left wing, by abandoning their station without compulsion, nay, without a stroake, were either traytors to their King and country; or, by exposing their foot to a certain murder, they shewed a barbarous indifference for the safety of their friends and countrymen; or, in fin, were notorious cowards. And so lett them keep their priding cavalry to stop bottles with.

“ 38. But to proceed. By the time the King's horse went off the field the enemy's whole right wing arrived at the pass, and seeing noe opposition beyond, they confidently ventured to goe through, notwithstanding the fire from the castle on their right, which fire was insignificant; for it slew but a few in the passage. The reason of it was given, because the men had French pieces, the bore of which was small, and had English ball, which was too large. Here is a new miscarriage thro' heedlessness. Why was not this foreseen and the dammage prevented? p. 702.

“ 39. As soon as the hostile cavalry was gott over, they immediately inveloped the Irish foot, who were surprized at their hard fate, while they were moweing the field of honour. They had noe other remedy for their preservation, than to retreat as fast as they could, making their way to Portumny, and so forward to Lymerick. Most of the horse on their right made off likewise. Onely the Earl of Lucan, with some troops thereof, and the Lord of Galmoy, with his regiment, did good service in covering their retreat as prosperously as so small a body could do. This and the arriveing night and some morasses brought them off indifferently well. 'Twas their officers respectively that suffered most. In the same evening, late, the castle of Aughrim was taken, and the commander, Collonel Bourk, with his Major, eleven officers, and 40 souldiers, were made prisoners. Thus you have seen a victory snatcht out of the hands of the victorious. What recompense the commanding officers of the Irish cavalry on the left can make to King and country for the loss of that day, we shall be able to judge when they are Emperors in Europe. What punishments in the interim they deserve, we leave it to the judgement of those who are most knoweing in art military. p. 703.

“ 40. In this long and bloody strife, both on the field of bravery and in the accidental retreat, there was slain of the Irish officers and souldiers about 2,000, and 600 wounded. The wounded recovered soon almost all, and joynd the army at Lymerick within six weeks after. Amongst the slain was the great General St. Ruth, worthy of lasting memory. Next after him the noble youth, the Lord Bourk, Viscount p. 704.

MSS. OF
THE EARL OF
FINGALL.

of Galway, son to the potent Earl of Clanrickard. He was dispatched by forraigners, after quarters given, as 'tis said : Brigadier Connel, Brigadier William-Mansfield Barker, an English gentilman, earely killed by a canon ball ; Brigadier Henry Mac John Oneil, Colonel Charles Moor, of Kildare, with his Lieutenant-Collonel and Major ; Collonel David Bourk, Collonel Ulick Bourk, Collonell Constantin Macguire, Collonell James Talbot, of Tampleogue ; Collonell Arthur, Collonell Mahoni, Lieutenant-Collonell Morgan, an English gentilman ; Major Purcel, Sir John Everard, of Fethard, in the county of Tipperary ; Collonell Felix Oneil ; and Dean Alexius Stafford, of Wexford, an undaunted zealot, and a most pious churchman, who fell in the front of the Royal regiment as he was encouraging them upon the first charge. There was made prisoners : The Lord of Duleek, the Lord of Slane, the Lord of Poffin, son to the Earl of Clanrickard ; the Lord of Kenmare, Major-General Dorington, Major-General John Hamilton, who dyed at Dublin soon after of his wounds ; Brigadier Tute, Collonell Walter Bourk, Collonell Gordon Oneil, Collonell Thomas Butler, of Kilcash ; Collonell Oconnol, Collonell Edmund Madden, and several others, Lieutenant-Collonels, Majors, Captains, and subalterns.

p. 705.

“ 41. On the other side, of the English and forraigners there was killed officers and souldiers above 5,000, besides a great many wounded. Amongst the slain, that we could learn, was Major-General Holstaple, Collonell Herbert, Collonell Mongats, Major Devonish, Major Cornwall, Major Fox, and Major Colt.

“ 42. The next day of the battle, the English buried their own, and part of the Irish, that lay on the ground, where General Ginckle was to fix his camp. The rest they left unburyed. In this same day, Ginckle sent Brigadier Epinger with 1,200 horse and dragoons, to take Portumna and Banhoer, two passes on the Shanon : which yealded the 14 of July, on condition that the garrisons might marche away with their arms and baggage.

“ 43. On the 13 of July in the morning, the Viceroy, Tyreconnel, being at Lymerick, received the sad newes of the King's misfortune at Aughrim : whereby he was struck with a deep wound of sorrow : and the more because the battle was lost so unexpectedly. However, he rowsed his courage, and kept hope alive, resolveing to continue the warr since he found the excellent magnanimity of the army ; and that the loss of that day was not very considerable. Upon which, in the first place, he dispatches away into France three expresses one after the other, the Earl of Abercorn, the Lord Thomas Howard of Norfolk, and Mr. Doran, his own secretary : that, if one or two should fayl in the journey, the third might safe arrive at St. Germain's, for to give the King a true account of the combat at Aughrim. Secondly : he requests by those couriers a reinforcement of trained men out of France at the farthest by the next spring : and in the interim provisions and ammunition for the army. For he did not doubt to preserve Lymerick ; tho' he would layn keep off a siege for the rest of the campagne chooseing at the present to stand upon his defence, rather than give another battle : which yett he might do by the healp of an advantageous ground, being still superior in foot. Thirdly : he goes out of Lymerick on the 4th morning after the battle for to receive the cavalry six miles of the town, which he cantoned near Lymerick in the county of Clare, while he was expecting the foot to come in : and then he will enter upon a consultation, what is best to be don in this streightness of tyme.

p. 706.

p. 707.

"44. While these things were a-doing : the three expresses, that were sent for France ; went on in their voyage. But one of them, the Earl of Abercorn, mett a Dutch man of warr near Brest : by whom the ship was taken, and the Earl killed in a fight, after escaping death in the bloody field of Aughrim : where he gallantly comported himself with his regiment on the right. He was a person of great bravery : zealous for his country : and most loyal to his Prince, He was of the noble family of Hamilton in Scotland : wherein he was Earl of Abercorn ; and in Ireland, his native soyl, Baron of Strabane. The like fate the Lord Thomas Howard did meet with : whose son is now Duke of Norfolk, a Catholic. The third envoy arrived safe at St. Germain : where he delivered his accounts of Ireland. The newes touched his Majesty very sensibly, seeing his affayrs grow worse and worse every day. Against which the best remedy he had, was his usual resignation to the will of God. At the same time he took some comfort at the consideration of the courageous behaviour of his loyal people : and fell into consent with Tyrconnel, that matters might be retrieved with some small assistance from France. The King made the whole story known unto the Gallick monarch : who heard it with sufficient sorrow for his royal friend's sake : and yett was pleased that the courage of the Irish did answer his expectation. But his most Christian Majesty was not in a condition at the present to send any succours of men to the Duke of Tyrconnel ; tho' against the next campagne he might be able to afforde them. In the mean tyme, he could supply the Irish army with provisions, ammunition, arms, and other necessaryes of warr : and actually did grant them : and ordered them with all convenient speed to be transported from Brest to Lymerick : of which beneath.

p. 708.

"45. General Ginckle having refreshed his army at Aughrim, decamped on the 16 of July, and marched towards Gallway, in order to besiege it, bringing along with him onely his field pieces : having left his heavy canon at Athlone. It seems by this, that he presumed on his good fortune, that Gallway would make litle resistance. This town is marittim, and chief of the province of Connaught. It is pritty-strong by scituation : but might have been made a noble fortress with an indifferent expence, which had been neglected durement the warr, as other works of moment were. The howses within are built like castles for strength : so that a smart resistance may be given to the enemy, even after entering the town : the Governor whereof was at that tyme the Lord Dillon, as above said : and to his assistance Lieutenant-General D'Usson entered.

p. 709.

"46. On the above said 16th day, General Ginckle with his army came to Loughbreagh, on the 17 to Athenree, within 8 miles to Galway. On the 18 Galway was invested : In which there was seven regiments of foot, not full, nor well armed. Baldarg O'Donnel was expected there with 1,000 men of reinforcement. But he came not ; who afterwards made conditions for himself ; and took the Prince of Orange his side at the end of the warr. This gentilman was descended of the family of the ould Earl of Tyrconnel in Ulster : who was forced to fly into Spain upon a false impeachment in the reign of King James the First, where he was owned Earl of Tyrconnel, and his heyr after him. This present O'Donnel was the acknowledged Earl at this tyme : who heareing that his nation was in warr for King James the Second, came into the kingdom a litle after the action at the Boyn, in order to assist his countrymen : tho' he was suspected by some, as not true to the cause. He bore the nickname of Baldarg, or a red place, or a red spott, upon the account, that some of the family foolishly believed that the true Earl of

MSS. OF
THE EARL OF
FINGALL.

Tyrconnel, marked on his body with such a spott, would come from abroade into Ireland, and do there great matters for his country: and they applyed their ridiculous belief impertinently to this man.

p. 711.

"47. On the 19 of July, General Ginckle planted a battery against a litle new fort, which the Irish had made near the town. He took it that same day. Immediately after he rayzed his batteryes against the town. On the 21, the Governor haveing considered the great declension of the Irish affayrs, thought it fit not to hould out the place any longer; and so, the same day, he called for a parley. The treaty was concluded on the 24th of July, whereby the garrison gott their own demands, and the town also for enjoying their estates, the exercise of their religion, and other rights and privileges, that are due to free-born subjects. On the 26th, the Marquis D'Usson went to Lymerick; so did the Lord Dillon, with the garrison, being about 2,300 men, and with six pieces of canon.

p. 712.

"48. The Duke of Tyrconnel had great expectations, that Galway would make a long resistance, which would be to his advantage. For thereby he hoped, that the campagne would be so farr spent, that the besiegeing of Lymerick could not be undertaken in that season. But the town being so speedily lost, gave him a deep wound of sorrow; because it abbreviated too much his tyme, wherein he expected succours out of France or a favorable answer to his request, as aforesaid. For now the city of Lymerick was the only fortress of note, he had in possession, which his Excellency knew the enemy would besiege immediately. How to keep off this beleagur, the Duke was at a stand for a while. Until at last he resolved upon this followeing stratagem, for to gain a litle tyme.

IX.

[SIEGE OF LIMERICK, A.D. 1691.]

p. 713.

"49. The whole Irish Army, tho' scattered in the day of Aughrim fight, yett, reassembled within twelve dayes, hard by Lymerick, in the county of Clare. And those officers thereof, who had been violent factioneers against the Duke of Tyrconnel, do now owne their fault, and acknowledge that his Grace was all along in the right, tho' 'twas a submission made too late. However, the Lord Lieutenant ordered the army to pass from the other side of the river Shannon thro' Lymerick, and encamp close to the town on the east side. When this was don; he issued a proclamation, commanding all men in the Irish quarters from the age of 16 to 60 to joyne the army, for to fight immediately the enemy. In order to which, he made some other preparations. The whole city of Lymerick, and the army believed, that there would be soon a second battle. And they conseaved much alacrity thereat, especially after taking notice of an ould-pretended prophecy, which said that there would be a fight in the place (called Singland) where the army then was fixed, between the Irish and the English, and that the Irish would so overcome them, that the English should be for eaver disabled to make head against the Irish. But the Viceroy thought it not fitt to give battle without a reinforcement of trained foot, for to supply the want of horse: tho' I should side with that opinion, which would assent, that the Irish host now resolut to obstinacy ('tis this gives alwayes the day) together with the voluntiers and their zeal, and the advantageous scituation of the place, was sufficient to gett the victory, considering, what numbers of the enemyes were lost at Aughrim; and

p. 714.

what were left to garrison Galway, Athlone, and to take Sligo; and the apprehension, that must needs have been struck into the hostile infantry by the remembrance of Aughrim field: it being found often true, that superior numbers are vanquished by the help of other advantages. There are many examples ancient and modern of this kind. But these few shall here suffice from antiquity drawn: as is that of Alexander the great his army overcoming Darius with six times more forces: Hannibal with lesser multitudes overthrowing the Roman Generals Paulus Æmilius, and Terentius Varro: Julius Cæsar with almost half the number putting the great Pompey to the rout in the field of Pharsalia; where Pompey, hitherto esteemed the greater captain (for none before had conquered so many nations for Rome) managed very ill the battle that day, especially in this point, that he hindered the young fiery nobility of Rome to give the charge: which had they done, they would have crushed Cæsar's army to morsels, tho' made up of veterans; their most violent assault with such numbers not being supportable. Which crafty Cæsar knowing, commanded his army to begin the fight with charging boldly those youthful Hector, for to dash their first swelling courage.

p. 715.

"50. General de Ginckle having taken Galway, and garrisoned it, decamped from thence on the 28 of July, with a resolution to lay siege to Limerick in that very season, as being violently desirous to end the war by the present campaign, for to please his master the Prince of Orange, who was impatient at the delay. But Ginckle upon his decamping received intelligence, that the Duke of Tyrconnel was ready to present him the second battle at the walls of Limerick on the county of Limerick's side. This made him resolve to answer the challenge, whereupon he marched (for expedition's sake) straight to that part of the river Shanon where Banagher-Bridge lies, bringing onely with him his light pieces of canon, not having use of his heavy artillery in a field-battle. At this place he passed the Shanon into the province of Leinster with his whole army on the 3rd day of August, and came that night to the town of Birr in the King's county, distant 30 miles from Limerick. From thence he marched to Nenagh in the county of Tipperary, and arrived there on the sixth. Brigadier Anthony Carroll, Governor of this open town, and of the castle thereof, quitted it at the approach of the English army, having first set fire to the houses which was soon after extinguished.

p. 716.

"51. As soon as Tyrconnel got an account that the Protestant army was approaching to Limerick, he gave orders that the Irish host should repossess the town, and encamp on the other side of the river in the county of Clare near unto the city. At this time his Grace received an answer out of France to his message, he had sent immediately after Aughrim-fight to the King at St. Germain. In which answer he finds that a reinforcement cannot be spared in this season: but that a fleet with provisions, and all necessaries of war would arrive soon at Limerick.

p. 717

"52. The Baron de Ginckle being come within a few miles to Limerick, understood that the Irish army repossessed the town to the county of Clare; and that all signs of a battle vanished. Whereupon he fixes his camp at Carrick-Inish 4 miles from Limerick; and there is resolved to remain, till his gross canon comes to him from Athlone; for which he had sent, in order to besiege the said Limerick.

"53. The Duke of Tyrconnel understanding that Ginckle was resolved to lay siege unto the town, tho' it was late in the season, considering the

MSS. OF
THE EARL OF
FINGALL.

climat of Ireland, made preparations for a defence. Upon which he brings all the infantry of the army into the city; and leaves his horse and dragoons to encamp hard by on the county of Clare-side. He settles his batteryes: he makes some new Brigadiers, and other officers; and finisheth several other matters.

X.

[RICHARD TALBOT, DUKE OF TYRCONNELL: HIS CAREER AND DEATH.]

p. 718.

"54. And now we are com to the last scene of the tragedy, wherein the ruin of Ireland is effected. The Viceroy Tyrconnel, after putting every thing in good order for a vigorous defence, was on a Munday, the tenth of August, invited to dinner by Monsieur D'Usson, the first Lieutenant-General. He and the company were very merry. But at night upon his preparing to goe to bed, he found himself indisposed. The next day his malady increased. Remedyes were applyed: yett to noe effect. On the third day, observeing his weakness to be great, he settled his wordly affayrs, and took care for his conscience. He appointed (by vertue of a power left him in his commission) three persons as Lords Justices, for to govern the King's people, and manage his royal affairs: who were the Lord Chancellor, Alexander Fitton,¹ Baron of Gosworth; Sir Richard Nagle,² and Mr. Plowden, an English gentelman. On the followeing day his Excellency grew speechless: and on Friday the 14th about one of the clock after noon, being the 5th day of his sickness, he expired: leaveing issue one daughter, the Lady Charlott Talbot. His Dukedom was extinct in him. But his Earldom of Tyrconuel came to his brother's son, William Talbot: whose son, the Lord of Baltinglass, marryed afterwards in the year 1702 the Duke's daughter.

p. 719.

"55. Thus this great man fell: who in his fall pulled down a mighty edifice, viz. a considerable Catholick nation. For there was noe other subject left able to support the national cause. The noble personage, by name Richard Talbot, was a younger son of the family of Cartown in the county of Kildare: whose father was created Baronet by King James the First. Young Richard proved to be Cornett of horse in the beginning of the Irish warrs against Oliver Cromwel and the rebels of England in the year 1649. When that warr in 1653 was ended, he went into Spain with the Irish forces, that were thither transported: where he became Colloncl. From thence he came to Flanders upon King Charles the Second's service, then in that country an exul. At Brussells he had the happiness to be known to the Duke of York: who, approveing of his wayes, took him into his family, where being a while, Collonel Talbot proved so happy as to become favorit to his Royal Highness.

p. 720.

"56. When King Charles the Second was restored; several Irish gentlemen applyed themselves to the said Collonel, that by his means, as being a mignion to the King's brother, they might obtain the King's letter to the government of Ireland, in order to repossess themselves of their lands of inheritance, out of which they had been ejected by Cromwell and his fellow-rebells. Talbot procured unto them the desired letters and thereby some of the addressors were restored to their

¹ Appointed Chancellor of Ireland in 1687-8.

² Appointed Attorney-General in 1687-8. A letter written by Nagle at Limerick, on the 14th August, 1691, in relation to the death of Tyrconnell, is reproduced in "Facsimiles of National MSS. of Ireland," Part IV.—2, Plate lxxix. London: 1884.

patrimonyes. In consideration of which service, the persons so restored did bestow by an antecedent agreement, part of the acquired lands on Collonel Talbot: who having money, layed it out on the purchase of some other lands: so that he had now by his own acquisition a plentiful estate.

MSS. OF
THE EARL OF
FINGALL.

p. 721.

"57. After the Duke of York ascended the throne; his Majesty made Collonell Talbot Earl of Tyrconnel, and Lieutenant-General of the Irish army. In the beginning of the 3rd year of the King's reign, the Earl of Tyrconnel was created Lord Deputy of Ireland, and Captain-General of the army. In which station he shewed himself a lover of his country in general, and of his kindred in particular, which was a behavior contrary to that of the late Duke of Ormond, who proved an enemy to his country, and most unkind to his kindred. This is not to be much admired, considering the malignity, which hereticks have for the orthodox universally. So these must not expect as good effects from a Protestant compatriot and relation, as from one of their own religion. There is great difference between tree and tree.

p. 722.

"58. About the tyme the King was banished out of England (which was at the end of his 4th year) the Lord Deputy Tyrconnel with a mighty zeal rayesd an army in Ireland in order to restore his Royal master. The nobility and gentry of the kingdom concurred thereunto most ardently, and with veneration towards the person of their General Governor for his shewing them so brave an example, and so singular affection to his native soyl. In four months after, and in the fifth year of his Majesty's reign, 1689, when the King arrived at Dublin out of France, he created the Earl of Tyrconnel, Duke of Tyrconnel, as above said.

"59. But when the King, after the loss at the Boyn, thought fitt to fly back into France; and when thereat the Irish greatness became dejected; the grandeur of Tyrconnel was undervalued (as we remonstrated above) by some of those gentlemen, who before had respected him as the pillar of the nation: and even such the Parliament at Dublin in the precedent summer acknowledged him as before mentioned. This comportment of the said gentlemen doth indicat, that constancy to our devoirs is not common and at the same tyme it shows in them; an ingratitude to so national a man.¹ Yett some there are, who care not a rush, whether their country in general flourish, so they be well themselves. Such we call good for nothing, tho' they were princes in greatness, because they are onely indulgent to themselves. And it would prove the greatest happiness in the world to that country, if such self-lovers were weeded out of the land, as we cast out of a gardin noxious weeds. For what els should be don with them, since they infringe the tacit oath of association, which they made to nature at their first coming into the world, viz., that they would with all their power jointly defend the birthrights of one and other, and their common parent soyl, which is an obligation, that all nations for these five thousand years passed, have thought incumbent on them.

p. 723.

"60. As soon as the Duke of Tyrconnel was dead; (some sayed of poyson: and there was ground for it) the three fore-mentioned Lords Justices took upon them the government, who on the 3rd day of their regence, and the 16th of the month, being Sunday, buried at night

p. 724.

¹ For further notices of Tyrconnell, see Second Report of this Commission, 1871, p. 27.

MSS. OF
THE EARL OF
FINGALL.

the body of the late Duke in the cathedral church of Lymerick, not with that pomp his meritts exacted; but with that decency, which the present state of affairs admitted.

XI.

[SIEGE OF LIMERICK, 1691.—*Continued.*]

“61. General de Ginckle, in a few dayes after Tyrconnel’s death, haveing at last receaved his weighty artillery, decamps from Carick-Inlish, and marches to Lymerick; which he invests on the 25th of August. At that juncture, the Sienr Donep, Collonel of Danish horse, was killed by a cannon-ball from the town. Here we’ll stop a while to make our observations upon the nature of this siege, that is now undertaken. First: how comes it, that General Ginckle dares assume the task, seeing the garrison is as numerous as his infantry: and the very men, that beat his foot lately in the field of Aughrim: and sure² can more easily overcome within the breach of a town? It appears to be a mock-siege; tho’ that Ginckle gained the town in earnest, and with it a kingdom. He may thank the death of Tyrconnel for it: whose life would have preserved the town and country, as he had layed his measures with France. It may be General Ginckle designed to ride his cavalry into the breach when made. Otherwise how could he propose to himself to take Lymerick with so small an army, not being above 22,000, horse and all; when the Prince of Orange the last year being much superior, could not take it against a garrison, that was hardly the moyety of the present? It lookes, as if the bargain had been already made with Ginckle to give him up the town. For most certainly the garrison was putt to noe necessity of surrendering, as we shall see more clearely; nor could they be by such weak besiegeing forces. However, we’ll goe on with our narrative; and speak of the matter more beneath. General Ginckle haveing finished his lines before the town; he plants his grand battery of canon on south side of the city; and that of his mortars on the east at the place called Ireton’s fort.² The first thing the besiegers did, was, to trye, if with that great battery of canon they could destroy Toumond³ Bridge, for to cutt off the communication of the garrison with the county of Clare, where their cavalry was, and from whence they receaved their refreshments. But the besiegers could not compass their aym after eight dayes’ tryal. In which space they cast into the town plenty of bombs night and day. The howses were much damnifyd by them; tho’ but few men were killed.

“62. The General seeing noe success of moment hitherto: and not daring attempt a breach on that side of the wall, where the breach was made the last year by the Prince of Orange, because since that tyme outward works were rayسد for its defence: which to gain would cost a world of men, and take up too much tyme for that late season; he resolved to remove his main batvry to the north side of the town, or to that part of the citty, which is called the English town, where he understood the wall to be very weak, as being thin and without a rampart, and void of outward fortifications. The battery being rayسد did furiously play, untill it made a breach of forty yards wide. In opposition to this, the besieged made a strong retrenchment within from side to

¹ Apparently through a clerical error, the page following 724 is numbered 745 in the MS.

² See “Contemporary History of Affairs in Ireland, 1641–52.” Dublin: 1879–80.

³ Thomond.

side of the said breach : insomuch that they were resolved to stand the attack without fear of being overpowered.

MSS. OF
THE EARL OF
FINGALL.

“ 63. The breach being made ; General Ginckle prepares for an attack. Amongst other things he gets ready his floateing bridges, in order to pass a branch of the Shanon, which ran before the said breach. But before attempting of this assault, he thought it necessary to dismount a small battery, which the besieged had without the wall on his left flank, as he mounted the breach. To effect this he endeavoured it for three or four dayes : but could not prevayl. Upon which he ceased for two or three dayes from all kind of firing : so that there was a general silence. In the interim we are to tell that few lost their lives on either side : the besiegers not undertakeing any matter of danger : nor the besieged making any sallies worth the remark. Of the last there was killed a hopeful young gentelman, a nephew of Monsieur La Tour, the Governor, by a bomb, being at that tyme in the same chamber with his uncle. In like manner a gentilwoman was slain before the door of her lodging, after coming down stairs, for to shun the bomb, which appeared to fall on the howse : but fell in the middle of the street, and there burst : a splinter of which struck the lady as aforesaid. A few more of noe note received their death in that way. Upon a small sally or two there was lost Captain Walter Hore, of Harperstown, in the county of Wexford ; and two or three other inferior officers with a few common souldiers. Of the besiegers, the Lord Loftus¹ of Lisburn was killed by a canon-ball on the 15 of September, as he was coming out of his tent, which was placed in the trenches. This nobleman was a native of the county of Dublin in Ireland, and proprietor of Rapharnum near the said Dublin, and of a great estate thereunto appertaineing. But he was a remarkable zelot for the Prince of Orange. His friends gott the bullett, that had killed him, to be guilded, and to be hung over his tomb in the Cathedral church of Dublin dedicated to St. Patrick the apostle of that kingdom ; and this to stand a monument of his good affection and fidelity to that usurper. A folly in grain ! Besides that Lord, there was a small number of others slain on the side of the besiegers. Dureing which tyme, General de Ginckle sent Brigadier Levison with a party of horse and dragoons to the county of Kerry, which bounds with that of Lymerick, in order to subdue the Lord Fitzwilliams, Viscount of Merryon,² and the Lord Bourk, Baron of Brittas, who commanded partyes of new raysted horse : as also the Lord Butler, Baron of Dunboyn, who had a regiment of dragoons in that country. Levison received two reinforcements one after another. The first was of 300 horse and dragoons : the second of two regiments of infantry. There happened noe action of moment between those contrary sides : and that thro’ the fault of the Irish commanders, who joyned not their forces into one body, which if they had done with a moderat reinforcement of the inhabitants, and had taken the advantages of ground, which that country afforded, they would have hendered the enemyes to com into the plain tracts of Kerry. This much Levison observed : and therefore he thought it necessary to be considerably reinforced before he would venture to goe farr into the country. However, it happened about the 20th of September, that some troops of Dunboyn’s dragoons were posted at a pass, where they were to wayte a litle while for a

¹ Adam Loftus, created Baron of Rathfarnham, Dublin, and Viscount Lisburn, in 1685–6. His only child, Lucia, married Thomas, Lord Wharton, and was mother of Philip, Duke of Wharton, attainted in 1728.

² Thomas Fitzwilliam, fourth Viscount Fitzwilliam, of Merrion, co. Dublin.

MSS. OF
THE EARL OF
FINGALL.

p. 751.

reinforcement of Merryon's horse. But in the interim Brigadier Levison appeared with his body. The Irish dragoons seeing themselves much inferior to the enemy, quitted their post. A little while after some troops of the Lord Fitzwilliam's horse came to the place; and tho' they saw the pass abandoned by their own, they stood for a tyme upon the defence. But having no infantry to send into the morass, that intervened; and being gaulled by Levison's dragoons on foot, who were come into the moor, they were forced to retire. Which gave the opportunity to the English of carryeing away a great prey of cattle.

p. 752.

" 54. To return to Lymerick: while it was besieged, as aforesaid, the Irish had a guard of dragoons consisting of four regiments, and of som foot at a deep forde of the Shanon a mile above the town, for to hender the enemy from passing over to the county of Clare, and thereby from cutting off the refreshments of the country, which came from thence into the city: as also for to barr the foe from coming between the Irish horse encamped at Anaghbeg about two miles from Lymerick, and the garrison.

p. 753.

" 65. General Ginckle, after the long silence of his artillery, and after his mature consideration of the danger in attempting an attack on the above said breach, resolved to quitt that enterprize, and embrace another, which was thus. He is fixed to cross the river Shanon, in order to beguirt the town on the other side of the river, in hopes to distress soon the besieged so much, as to force them to a speedy surrender. For the General was in hast to goe into winter-quarters, by reason that his army was suffering: and to finish the warr by a happy issue of this siege. Upon this resolution, he gives orders on the 16 of September at 10 a clock in the night, to carry floates and pontoons to the above described forde, where he intends to pass the river. He commandes six hundred workmen to lay the bridge in that place: and a hundred grenadiers to cover them, while those men were working. The grenadiers were brought in boates into an island; where they remained undiscovered, till it was almost morning. At which tyme the English were discerned by an Irish dragoon on the contrary banck, who was patrolling. He gave notice of it to Brigadier Clifford, who commanded the Irish guards that night. But the Brigadier seemed not to give credit to any such account, as not feareing that the enemy would dare undertake so perillous a passage. However, the alarum spreading: one of the Collonells of the dragoons, by name Dudley Colclough, of Moyhurry in the county of Wexford, brought down his regiment to the Brigadier's tent in such hast, as some of his men did not stay to saddle their horses. The Collonel desired ammunition and orders for to obstruct the passage of the enemy. But the Brigadier before Collonell Colclough and other officers neglected so long, by his discourses which noe man of sense understood to be pertinent, to perform his charge, that the above-mentioned bridge was finished, (which happened about 7 of the clock in the morning) and a great body of the English came over. The first that passed was a regiment of dragoons, called the Royal Regiment: then grenadiers, and fusiliers, who were supported by four battalions of foot, and several squadrons of horse. At which the Irish guards seeing too plainly their enemyes at their nose; and themselves too weak to beat them back over the said river, took a suddain resolution to save themselves by flight, which they hardly effected, by reason that the greatest part of their horses were at grass at some distance from the forde: so that a few of their men could not timely arrive at their horses; and therefore were made prisoners. Several saddles, and

p. 754.

tents were left to the enemy. The Irish cavalry under the command of their General, Dominick Sheldon (which was encamped a mile off towards Killaloo) heareing of this misfortune, decamped suddainly, and marched towards the town of Ennis in the county of Clare. By which the horse lost communication with Lymerick. At the same tyme the Irish Lords Justices or regents, and the ladyes, and such gentilmen, as were not concerned in the army (who had a camp of their own in the county of Clare within a quarter of a mile to the garrison) were forced to run into the town with all speed, which caused a crowd and an inconveniency both to themselves and to the souldiery. p. 755.

“66. Here rises a question, whether the Irish cavalry should have com down, and fought the enemy that was come over? I side with that opinion, which sayes, they should have don it. And we give for reason, because they might have come safe and timely enough and were able, especially in conjunction with their own dragoons, to drive back the foes and to gather¹ as many of them as could pass the bridge, by the tyme that the Irish horse were arrived on the place. Nay, in all probability, the English forces, which had trajected the river, would not have stood to a fight, seeing the hostil cavalry and dragoonry coming all down upon them. For they could not be sufficiently supported from the other side, by reason that the bridge admitted not many in abrest. So that one regiment of Irish dragoons with three companies of firelocks would have stopt their passage on the said bridge where they might have made a barricade of the enemyes to their own people behind. This was a brave occasion for the Irish cavalry to show themselves: for from the beginning of the warr to that day they were not brought to a tryal, as to the whole body of them. And what should they be any more reserved for? Or for what were they at first rayسد? Here they would make recompence for all their past inaction, tho’ the fault hath not been in the men, but in the great officers. For by this repulseing of the enemy to his own side of the river, the siege would be rayسد for certain within a day or two, considering what we have said above concerning General Ginckle’s not daring to mount the breach, he had made in the wall of the English town. But you see by this act of suffering the enemy to cross the Shanon, that the misfortune of the Irish is continued; who loose ground upon every important occasion, not by the bare prowess of the foe (tho’ brave he is) but rather by the neglect, or ignorance or treachery of particular commanders, as it will appear to a thorough considerer. But what Brigadier Clifford can say for himself by way of vindication, I do not understand. I suppose, his comfort is, that he believes he will neaver be brought to an account of this behaviour by the King. p. 756.

“67. Here springs another quære: what should the Irish horse and dragoons have don, when they lost the communication of their foot, that was within Lymerick? Some say, that they should have passed the Shanon into Ulster, or rather into the province of Leinster at som convenient place for a retreat into Connaught, if need were. The first report of their marche that way, would oblige the English horse and dragoons to rise from the siege, and to hasten into Leinster, for to prevent the destruction of that country, and especially of Dublin, from whence the besiegeing army had all their provisions. Their infantry would not dare stay behind, as feareing their victuals might be cut off; and that they might be invellopped by the numerous garrison, by the p. 758.

¹ to gather] together, MS.

MSS. OF
THE EARL OF
FINGALL.

loyal people of the county of Clare, who would rowze themselves at such a juncture, and by the troops and militia of the county of Kerry: which doubtless upon this opportunity would march in great numbers towards Lymerick, as being particularly provoked by the loss of their cattle, which Brigadier Levison took from them about this tyme. I have heard it sayed, that this very enterprize was the dessigne of the Irish cavalry: but the execution was prevented by heareing, a few dayes after, while they lay encamped near Ennis, that a cessation was made in order to conclude a peace. Yett, others do tell us that the Irish cavalry might with good reason have remained in the county of Galway, upon confidence that their foot would effectually hould out the siege at this tyme, since a smaller garrison held the town the last year against a potenter host with the presence of their horse; tho' that host might have beguirted the town on both sides of the river without resistance: so that the Irish horse had noe solid cause to fear at present the surrender of Lymerick. And this is the truth, to which I adhere against the imaginations of the timorous, and the ignorant; and against the sentiment of the treacherous.

p. 759.

"68. But to goe on: the English, who had passed the forde; and their companions, who remained beyond, observeing, that the country before them was clear of the enemy, fixed their camps on both sides of the river: and spent four dayes more in bettering of their bridge, in removing it nearer to the town, in bringing canon to the bancks, and in planting a battery to secure the bridge. At the end of this busines, viz., on the 21 of September, an account was brought to General Ginckle, that the English forces had taken the town of Sligo in the province of Connaught from the Irish; which was after this manner. On the 10th of the present September [1691], Collonel Michelbourne marched with a detachment of his regiment, with 500 of the militia of Ulster, with two troops of dragoons of Ginckle's army, and with six field-pieces. He encamped at Drumchette about three miles from the said Sligo: of which he sent an account to the ould Earl of Granard¹ by a party of horse commanded by Captain Vaughan. On the 11th, Mitchelbourn came within half a mile to the town. On the 12th he drew out his men to attack a party of Irish within som slight works, which were at the entrance into the town. After a short dispute the defendents quitted the works, and entered into the great fort, haveing killed an ensigne and a few privat men of the enemy's. On the 12th the Earl of Granard arrived with the troops under his command before the place: who immediately ordered batteryes to be rayسد against the fort. Sir Thadey Oregan, Governor thereor, being perswaded that the enemy had great canon, and judgeing it of noe advantage unto Lymerick, actually besieged, to hould out the fort for a few dayes, called for a capitulation: which was granted and perfected. The conditions were honourable. Upon which the fort was surrendered on the 15 of September. And Sir Thadey with 600 men marched to Lymerick, where he arrived at the end of the siege.

p. 760.

p. 761.

"69. Now Lymerick onely remains in the possession of the loyalists: but that possession will not last long, because they are willing to part with it, and not otherwise, as you may judge by the followeing discourse: wherein you will find, that General Ginckle gave them all the advantage desirable by divideing his little army on both sides of the river:

¹ Sir Arthur Forbes, first Earl of Granard. See Second Report of this Commission, 1871, p. 211.

and at the same tyme he exposed his troops to be cutt off, if the garrison, and their cavalry abroad would be resolut: so that instead of facilitating the reduction of the place by investing it on both sides with so weak a power, the enemy rendered his attempt wholly impracticable. But to goe on: the above mentioned bridge being perfectly finished, and commodiously placed on the river, General Ginckle passed the same into the county of Clare on the 22nd of September with the Duke of Wirtemberg, and Lieutenant-General Scravenmore; bringing with him ten regiments of foot, 14 small pieces of canon; and all the horse and dragoons of the army, except Collonell Coy's regiment of horse, and 50 dragoons out of every regiment: he having left behind Major-General Macay, and Major-General Talmash to command the rest of his army for the security of his camp on the county of Lymerick's side.

MSS. OF
THE EARL OF
FINGALL.

P. 762.

"70. In the afternoon of the same day, as the said trajected forces approached to the city, the Governor of Lymerick sent a small detachment of foot to the number of 200 men, under Collonell Stapleton, Deputy-Governor, for to skirmish with the advanced foot of the enemy by the heelp of some litle ditches that were near the place. This was a foolish management. For what end could it have? It was not able to hender so great forces to approach the town. And at the same tyme it did expose those few Irish to the slaughter. Why rather was not som pieces of canon rayzed on the other side of the bridge; or planted on the church-yard contiguous to Toumond gate, for to scour the avenues on the county of Clare's side, there being the tyme of four dayes for the doeing of it? This would prove a positive advantage, as the considerer finds. Nothing of which was don, as if there were noe enemy approaching: so that the English forces, especially the foot, could march close to the wall of that side without danger. For there was noe artillery sett up on that part of the town, but what was on the castle: which was mounted too high for doing harm, except to such as appeared on high ground at a considerable distance. Nor any outward works were made, wherein musketry (being well covered) might keep off for awhile the approach of the foe to the slaughtering of a great number: and from whence when overpowered, they might safely retreat into the town.

P. 764.

"71. But to proceed, Collonell Stapleton at the approach of the hostile bands, engaged them: and after fighting a while he was overcharged with numbers: which made him retire. Some of his men gott into the gate, that was on Toumond Bridge. He himself with the rear was also hastening thither. But a party pursued him so close, that a French Town-Major, who commanded the gate, pretending a fear that the enemyes would poure in with the Irish, shutt the said gate against friends and foes, by which it happened, that Collonell Stapleton, a worthy gentelman, Major Purcel, and som other inferior officers, with about 80 privat souldiers, were killed on the bridge. Here again was a ridiculous fear. For had 2 or 3,000 of the enemyes entered, they would be soon overcome; tho' there appeared near the gate, not above 2 or 300: who lodged themselves that night on the further banck of the river (which washeth the town-wall) in sandpitts, and amongst ruinous walls of howses.

P. 765.

"72. Here we must sett the quære: whether this division of the hostile army (that consisted but of 20,000 men) on each side of the town, and of the great river, from whence they could not relieve one and other in less tyme than an hower, did not prove a vast advantage to the Irish garrison? For the garrison being 14,000 foot and 200 horse (besides many voluntiers) was double the number of the enemyes, who were

MSS. OF
THE EARL OF
FINGALL.

p. 766.

left to guard their camp on the county of Lymerick side: where their cavalry was not above 300 horse and 500 dragoons: and therefore could not the besieged take a fayr opportunity to surprize them, or fight them upon a square and gain the victory? Moreover, might not the Irish cavalry in night pass the Shannon at Killaloo six miles above Lymerick, or farther off; and surprize the enemy's bridge at the above said forde; and so cutt off the communication between the two camps of General Ginckle? In which case the hostil camp on Lymerick side lay at the discretion of the Irish. All these enterprizes were compassable enough. At least an attempt made by the Irish cavalry to pass the Shanon, would oblige the English horse to repass it for to cover their infantry on the other side, and to secure their provisions, that were brought to them that way. But alas! by this tyme zeal was languishing in the Irish patriots. The year before the Earl of Lucan attempted and achieved a noble feat, of which we spoake above. So in the first siege of Lymerick, the chief commanders of the garrison behaved themselves with a deal of bravery and thereby drove the proud foe from their walls. In the beginning of this present siege, one of the Irish Brigadiers, a very experienced officer of forraign education, named Patrick Plunkett, would show himself for the good of his country, and engage by snatching at an opportunity with 1,000 firelocks and 500 horse, to bring into the town the grand battery of the besiegers, that was then on the South side: by which the siege would be raysed, the enemy not haveing tyme enough to procure other battering pieces, by reason that the season was spent. But the Brigadier durst not propose the project to the Governor and general officers, because he believed that they would look upon it as impracticable, especially being offered by a person, whose skill in military affayrs they were not well acquainted with.

p. 767.

"73. To advance in our history: the town being now beguirted on both sides, the garrison beat a parley on the 24th of September: to which the enemy complied: and so a cessation was made. The newes thereof being brought to the Irish cavalry encamped about Ennis; several persons came from thence the next day to the English camp, as the Catholick Primat¹ of Ireland, the Archbishop of Cashel,² the Earl of Westmeath,³ the Lord Dillon,⁴ the Lord Galmoy,⁵ Major-General Sheldon, Collonel Purcel, of Loughmoe, and some others; who, having dined with General Ginckle, went thence into Lymerick. On the next morning, being the 26th, the Earl of Lucan, Brigadier Wahop,⁶ and two Brigadiers more went from the town to the English camp, for to lay the fundation of a treaty. Which being don, hostages were exchanged in the afternoctn. Those of the besieged were the Earl of Westmeath, the Lord Iveagh,⁷ the Lord Lowth,⁸ and the Lord Trimleston. And those of the besiegers were the Lord Cutts, Sir David Collier, Collonel Tiffin, and Collonel Pyper.

p. 768.

"74. We are now upon percloseing the warr of Ireland, that unfortunat warr to the Irish: unfortunat thro' the fault of some particular persons, tho' the generality bravely demeaned themselves, or were prepared to do it, if brought to a tryal. But ere we actually end it, we think fitt to form a discourse upon the subject of this treaty for a surrender.

769.

¹ Dominic Maguire.

² John Brennan.

³ Thomas Nugent, fourth Earl of Westmeath.

⁴ Theobald, s eventh Viscount Dillon

⁵ Piers Butler, third Viscount Galmoy.

⁶ Wauchop.

⁷ Brian Magennis, Viscount Iveagh.

⁸ Edward Bermingham.

“75. In the first place, we putt the question, how comes it, that the French and Irish commanders within Lymerick are so ready to deliver up the town, and make peace with their enemyes? The answer is: because they cannot hold longer the place, as being invested on both sides; and by reason that they have lost communication with their horse.

“76. We reply first: that this case did not oblige in the last campagne an inferior garrison to yield the town, at that tyme much weaker, to a potenter army under the Prince of Orange. For this Prince could have better surrounded the town, as having much more numerous forces; and as finding noe opposition to pass the Shannon, by reason that the river was then fordable in several places thro’ the dryness of that summer; and the Irish had noe guards on the fords. And de facto a party of the besieging army trajected to the other side, and again repassed. But the truth of it is: the Prince of Orange did not judge the investing of Lymerick on Toumond side to hasten the surrender of the town. And he is in the right of it: which is our second reply. For of this opinion all precedent Generals have been, who had besieged that city; and, namely, General Ireton in the dayes of Cromwell. And they give for reason, because there is noe passing into the town from the county of Clare side (supposeing a breach to be made in the wall) but thro’ the river, or over the bridge. The river on each hand of the bridge is generally not fordable. And the bridge is easily broken; and easily defended, because it is narrow, not capable of more then six men in abreast, and is above eighty yards long; on which a discharge of a few firelocks would make a barricade of the bodies of the assaylants. Now in this case, what could General Ginckle do for the forcing the garrison to a surrender, if they were resolved to defend themselves, as they were in the precedent summer? He had made some dayes before this, a spacious breach in the north wall: and yett he durst not once make an attempt to mount it, for the reasons we spoake of above. And here he will find stronger reasons against his ascending any new breach, that he can make. For first, when will Ginckle be able to compass it? He must spend three dayes in bringing his battering pieces from one side of the river to the other, and in planting of them. He will consume six dayes more in forming a breach, and in preparing to enter it. Here rises the quære: whether that General would remain so long at an uncertainty of gaining the town? because his army suffered, before he crossed the river thro’ scarcity of provisions, as it was owned afterwards by some of them: and they expected noe supply, till they had gon into winter quarters. Prudence tells us that he should not have don it. Secondly, where will General de Ginckle make a breach in the west wall? It is in vayne to do it on either side of Toumond gate: because in that case his men must pass thro’ the river, which was there not fordable. The onely place he had to make his breach upon was the said gate: and his onely passage into that breach was on the narrow-bridge. This project is not compassable, as you shall see. For if he breakes down the wall above and adjoining each side of the gate, he makes a notable barriere to his ingress. If he can carry cleanly away the gate itself: then the entrance is too narrow for his purpose, as not capable of above four men in ranck. Neither will we allow him the bridge for his pass. For besides the stoppage of the draw-bridge thereon, the garrison could have broken down two or three arches, before Ginckle could raise his battery. And if he were so fortunat, as to have the bridge entire; yett he had the like misfortune here on his left flank in entering the town upon the said bridge, as he had at the breach of the northern wall. For the garrison had a battery in the

p. 770.

p. 771.

p. 772.

p. 773.

MSS. OF
THE EARL OF
FINGALL.

island of Lymerick near unto the bridge : which they could immediately turn against it, tho' at first rayed against the ford : and was not dismountable, by reason of its lowness. And lastly, if Ginkle's men should enter the gate, what was the sequel thereof ? They were immediately impounded. For in the space of a few howers the besieged could have cast up a retrenchement on the right of the ingressors from the King's castle across High Street : and on the left from the churchyard, athwart the same street. The walls of the howses tho' demolished by the enemy's canon, was barricade enough in their front : so that this was a worse pinfold, than that of the last summer erected before the breach the Prince of Orange had made : out of which his men were driven to the rayseing of the siege. Which is generally the fortune of attacking forces, when they can not spread after coming within the wall. We have read, and we see in these dayes, that a moderat resolut garrison by the healp of barricades within the town hath faced a great army to rayse the beleagur after entering the breach ; tho' tis not common.

p. 774.

" 77. As to that reason of surrendering the town, because the garrison lost communication with their cavalry, it is of noe moment. For the garrison of Lymerick the last year, when besieged by the Prince of Orange, was deprived of the horse ; and yett preserved the citty. Neither is it at all required or practised in the defence of fortresses to have horse unless a few, and this in some certain towns. The Irish horse being separated from the place, might have more contributed to rase the siege, provided, in that separation, that they entered into the province of Leinster. For in that case the hostile cavalry would be obliged to follow them, as I said before : and their infantry could not in safety stay behind, as it appeares to the considerer of the strength of the garrison. These are the two onely reasons, which were given to the publick for surrendering Lymerick : and which are proved null. For of provisions and ammunition they had plenty. Moreover, they dayly expected a fleet out of France with all necessaryes for man and horse even to the next campaign. And de facto it arrived at the mouth of the Shanon within sixteen dayes after the town was delivered to the besiegers. Which shoves, that the Most Christian King was altogether for preserving Lymerick ; and that he doubted not of its baffling the enemy as it did in the year antecedent. This sending of such considerable stores doth also indicat, that his Majesty was for continuueing the warr of Ireland ; and that for this end he would send a reinforcement to the Irish army in spring following : the which the Duke of Tyrconnel had requested, a litle before his death, even for the present season, if possible ; but could not obtain it for that juncture. The monarch of France had powerful motives for keeping on foot the Irish warr. For thereby he could sooner dissolve the hostile Confederacy abroad, as retaineing the power of England (on which the League much depended) here in Ireland employed : and in sequel thereof that Prince would be able to restore sooner the banished King of England, according to the resolution he had most generously made. 'Tis for these reasons, that the King of France conceived afterwards great indignation at the surrender of Lymerick ; because it frustrated his mighty expectations : and was hardly dissuaded from punishing severely Monsieur la Tour, the Governor : and the two French Lieutenant-Generals for that rendition.

p. 775.

p. 776.

" 78. Behould then how tenable Lymerick was against the besieging army. What was it, therefore, which moved the chief commanders of the town to give up the place, and to bring the Irish-Catholick nation under

the heavy yoke of an usurped government ? We answer first, that it was not any solid reason or necessity, which induced them to this submission ; tho' they had their concealed reasons for doing it, besides their pretended ones, which they published. Hence proceeds our second answer, that it must be a settled resolution (which they had made) that influenced them to determin the warr. When this resolution was formed, it is not made known unto us : but we believe, that it was don since the death of the Duke of Tyrconnel. I have receaved an account from one of the Collonels, who were with Brigadier Clifford in that night, when the English passed the Shanon a mile above the town, that he had heard a discourse some dayes before that passage, of surrendering Lymerick. This being so, we may sett the quære, whether the investing of Lymerick 'on Toumond side, had not been a concerted plott of som persons in the Irish army with General de Ginckle, in order to give a pretence to the party on the Irish side, for the giving up of the place ? The affirmative is more apparent. For General de Ginckle was knoweing in his station : and therefore he understood at the beginning of the seige, which was the best way of takeing speedily the town at a season, that allmost was at an end. As intelligent as he was ; and as late as was the season ; yet he used not this medium of beguirting Lymerick on the county of Clare's side, till the 22 of September, after lyeing before the wall about a month ; and after making a breach in one part thereof ; and, in fin, after not daring to mount it. That General knew also perfectly well, that he had not army enough to surround the town effectually against so numerous a garrison ; which was as much in number, as his infantry, besides some horse and volunteers. He could not but be perswaded that he must make a breach in the wall on the other side of the town : that he must enter it before he could take the place : that still the same danger remained, as there was in ascending the breach on the north wall, from which he thought fitt to abstain : and lastly, that if he should venture an attack, there was a strong probability, that he would be repulsed, seeing a more powerful army in the summer before was frustrated by a weaker garrison. What is it then, that induced General de Ginckle against reason and experience to divide his host after a month's beleagur. and with part of it to traject the Shanon, and invest Lymerick on 'Toumond-side ? 'Twas not the potency of his troops, as all skillful persons will admitt. For first his whole army (not above 20 thousand, as I touched before) could not pass the aforesaid forde, if Clifford had duly executed his trust with his four regiments of dragoons, some companyes of foot, and a small battery of canon with a retrenchment made at the place of trajection. And, secondly, could so experienced a General, after passing the ford, expect to carry the very town extraordinarily well garrisoned with the trajected moyety of his army by a breach, to which there was noe access, but by a very narrow bridge, tho' kept entire ; and which might be easily barricadoed, without-side of the gate, with a hundred materials that were in the town ; tho' noe retrenchment should be made within ? But surely Ginckle could not dreame to frighten with his flyeing camp that puissant garrison to a rendition by his bare appeareing before Toumond-gate without a stroake, without a shott, without a breach in the wall ? That garrison, I say, who dared his whole army but a few dayes before ? On the other hand could it be imagined that such a garrison, a mastering garrison, would surrender without a blow to the moyety of their late baffled enemyes ? If this were don within the jurisdiction of France, I question if one of the commanding officers would escape punishment : at least the

p. 777.

p. 778.

p. 779.

p. 780.

p. 781.

MSS. OF
THE EARL OF
FINGALL.

Governor would pay for it. It is comical to hear the great commanders of Lymerick blame Clifford for not defending the pass of the river: and yett they themselves with as much ease do yeald the fortress: as if, forsooth, the preservation of the town depended on the defence of that forde. Yett the same forde was open to the Prince of Orange the last year: and neither he, nor General Ginckle, nor the other Generals found any benefitt thereby. They were at that tyme att loggerheads. But, since, they have found out, that appeareing before Toumond-gate with six or seaven thousand men, will oblige an immediate surrender. What would not the Prince of Orange have given for this knack in the campagne precedent, especially after he was repulsed at the mounting of the breach he had made? What likewise would not General Ireton have bestowed for such a point of skill, when he besieged the same town in the year 1650?

p. 782.

p. 783.

p. 784.

p. 785.

"79. Out of the premisses we may gather, that Ginckles traversing Clifford's forde, and beguirting the town on Toumond-side was don permissu superiorum, in order that those superiors within the citty might have a pretext for delivering that fortress and thereby for concluding the unhappy warr. What end they had by that conclusion, I dare not be positive in my opinion. The matter of fact affords a suspicion, that some persons concerned in this affayr, had the obtention of gould for their end. There is an opinion that a few of these great officers were for a peace, because they were tyred out in houlding warr in Ireland after a slavish manner: and for that reason they would fain remove it into a forraign country against the Prince of Orange and his allyes; where being in conjunction with the French forces, and encouraged by the pay and other comforts of his Most Christian Majesty, they might better serve their own King in contributing to his speedy restoration. If this consideration had been delivered to the Irish army, before the capitulation was concluded, it is probable it would draw the whole host into France; because it savoures of honour, and of love to the King. This project would prove effectual, if after landing in France, the army with a moderat reinforcement, of French under the conduct of a Mareshal, were transported into England. It is true: the Most Christian King try'd this very point in the summer immediately followeing, when the invadeing army of Irish, English, and French was encamped on the coaste of Havre de Grace in preparation to be transported, as soon as the sea was made clear by Admiral Turvil,¹ and by the promised assistance of Mr. Carter, the English Rear-Admiral: But the enterprize miscarryed by Carter's treachery, as we shall see beneath. The further end of this peace, was repose, which several officers and some part of the souldiery coveted: because they were weary of that warr, wherein they had suffered so much thro' want of provisions and money. Which is so certain, that it is to be admired, how subjects would willingly endure such misery for their Prince. However a great many officers and the much major part of the souldiery were against the determination of the warr, because they had an aversion to becom subjects to a Protestant usurpation, as knoweing the non-such calamity thereof. And truly they had the best reason on their side, as you may observe in the precedent chapters of this our history. The Irish gentlemen, who, upon the peace of Lymerick, have remained in their country under the usurped regency, have learned this truth ever since to their

¹ Tourville.

woe. It is likely, that many of them would have transported themselves into France, with the rest of their brethren, at the surrender of that city, if they had been perfectly sensible of it at the forming of the Articles of pacification.

MSS. OF
THE EARL OF
FINGALL.

“80. But that, which caused very much the generality of the Irish army to yeald to a treaty of surrender and peace, was as followeth. The Irish nobility and the lesser people then at Lymerick, were a multitude of levellers; there being not any one in the nature of a directing and swaying head to effect, since Tyrconnel’s decease; tho’ some men there were by their stations, as governors of the rest. To speake it in clearer terms: there wanted a pater patriæ, a father of the country: that is, a man all on fire with zeal to preserve his country, his religion, his liberty, and his King’s prerogative: and at the same tyme, a man commissioned with the highest power, and of an authority amongst all or at least amongst the major part, uncontroulable: and who understands both his own and all the enemy’s present condition and future. Such a person *as this* in all parts there was none there at that tyme. Some patriots there were zealous enough: but they either wanted sufficient quality, or jurisdiction, or a knowledge of what was best to be don, either to continue warr, or make a peace. In which state that abridgement of the Irish nation inclosed within the walls of that city, seemed to be a flock without a shepherd: and therefore ’tis not to be admired, if they went astray in making the best choyce. The want of this person so described proved the principle cause, that the Irish army consented to putt a period to the warr. If the Duke of Tyrconnel were then alive (I utter it with certainty) he would not hearken to any offer of a surrender: because he expected to retrieve the country by spinning out the warr. He grounded his expectation upon the courage of the army made evident unto him by the battle of Aughrim; and upon the reinforcement, he was to receive out of France in the followinge spring. It is true there was within Lymerick at that tyme some persons, who were superior to the rest by their posts: as was the Sieur la Tour, Governor of the garrison: and the Sieur D’Usson, and the Chevalier de Tessé, Lieutenants-General, and Commanders-in-chief of the army. But these were strangers, and were ignorant of the oppression the Irish lay under from a Protestant government: and therefore from them not any remarkable zeal was expected for holding out the town. And tho’ fear of their own King might have obliged them to defend obstinately the town: yett, being at that distance, they could satisfy his Most Christian Majesty with some plausible reasons, which would be of noe value to a man thoroughly knowinge in the condition of Lymerick. There was also three Lords Justices or regents of the Irish nation, which had the power of determining whether warr should be continued or a peace be made, viz. Chancellor Fitton, Sir Richard Nagle, and Mr. Plowden: of all which I spoake above. These honourable persons had loyalty enough; and zeal for the welfare of the Catholick people. But whether they had skill enough to overrule the remonstrances for a surrender, which the great officers of the army made, is the question. At least they appeared not to have authority enough for commanding what was best to be don in that declension of the Irish affairs. Wherefore in those circumstances, a conclusion of warr must be embraced. And now that it must be so: Lett us see, what advantageous conditions, will the leadeing men of the Irish make for themselves and for the nation in general.

p. 786.

p. 787.

p. 788.

MSS. OF
THE EARL OF
FINGALL.

XII.

[THE TREATY OF LIMERICK, A.D. 1691.]

p. 789.

"81. You will say : why should this town presume to make conditions farther, than for the inhabitants thereof, according to the custom of besieged garrisons ? We answer : this town is not to be compared, as to a treaty of surrender, with other towns, which have noe other dependencies than the happiness of their particular dwellers. The epitome of the Catholick people of Ireland, is within this city ; within the body of horse belonging to the garrison ; within some towns and villages of the countyes of Lymerick, Clare, Kerry, Cork, Maio, and Sligo : all which lye under the protection and government of Lymerick. 'Tis therefore that Lymerick must make provisoos for the nation in general. She is encouraged thereunto by the knowledge of her own strength : which is so great, that she can force the enemy to rayse his siege. By which the warr is prolonged, at least to the end of the next campagne. At the beginning thereof, the Confederat Princes will be compelled, without dispute, to strike a peace with France, as not being able to hould out any longer thro' the want of England's army and money ; which must be employed in the Irish warr. Hence immediately follows the dethronement of Orange, and the restoration of the King. General Ginckle understood very well this affayr by his granting better conditions to the garrison of Lymerick than are given to any besieged town whatsoever : tho' he gave not so good, as might have been extorted from him. Which was occasioned by the too easy compliance of the Irish Commissioners, who were appointed to treat with him.

p. 790.

p. 791.

"82. The conditions which the Irish should have resolved to obtain, were three principally : a free exercise of their religion : the temporal liberty of subjects, and their propertyes. These three points they might have gained in their circumstances, without being judged too presumptuous upon an usurped government, under which they were to abase themselves. As to the first point : that they may serve God in chappells and houses, as they did in the reign of King Charles the Second, a Protestant Prince : that their bishops and prelates secular and regular may use their power over their respective flocks : that this state may be continued for eaver without molestation from King or Parliament either in England or Ireland. The concession of this article is easy to Protestants. For it takes nothing from them, which they had before the reign of James the Second. They keep still their lands, their tyths, their benefices, and their churches.

p. 792.

"83. For the second : that the Catholicks may be equally under protection of the law with their fellow-subjects, the Protestants : that they may not be taxed by Parliaments, but as Protestants are : that the nobility and gentry thro'out the kingdom may carry arms, and use horses without restriction ; and not to be prohibited by any law or order, while they behave themselves peaceably. Neither is this condition to be deemed hard upon the Protestant Government. For it deprives not Protestants of any employment civil or military : nor endangers the state ; because the number of Catholick lords and gentlemen is insignificant, as to power, against the Protestant Government, which is in possession of all the kingdom and its forts : and is guarded by a considerable army, and by the assistance of England and Scotland. It is insignificant, I say, seeing the whole Catholick nation of Ireland

being siezed of all the realm (except Londonderry and Eniskillin) with some assistance from France did not defend their country against the combined strength of Protestants.

"84. As to the third point : that all Catholicks whatsoever, who were possessed of estates, or of any rights in the reign of King Charles the Second, may be restored immediately without cost, whether those Catholicks, at the tyme of the capitulation, were within the Irish quarters, or in any other part of the kingdom, or in forraign countryes. Nor is this article of any difficulty to be granted. For not any Protestant is a looser thereby of any thing, which he enjoyed in a year precedent. And all these Catholicks together are but very few estated men in respect of the Protestants of Ireland. For of eight thousand Catholick heysrs, who claymed to lands of inheritance at the restoration of Charles the Second, there was not above five hundred restored, as we have mentioned before. p. 793.

"85. These three principal articles the Irish Commissioners obtained in part : so that their faylure was in not getting them entirely, as they might have don, if they had a befitting resolution. Yea, considering the necessity the Prince of Orange was in of an army at that juncture, for to assist his Confederats against France, and thro' that assistance for to support his crown, the Irish at Lymerick might have gotten much more beneficial conditions. But alas! misfortune accompanied them in carryeing on the warr : and misfortune sticks to them in the conclusion. p. 794.

"86. And now it is tyme, that we reassume the treaty proposed about the rendition of this considerable city. The [h]ostages being exchanged: the Irish government sent their proposals to General Ginckle on the 27th of September [1691]. One of them, as I was informed, was, that those Catholic gentilmen, who remained at home within the province of Leinster, and elsewhere, after the fight of the Boyn, as not being concerned in the army, and whose estates the Prince of Orange had seized upon, should be restored to the said estates. But General de Ginckle would not grant that article, as also some others then offered unto him. Upon which Irish Commissioners being appointed to treat face to face, went out of the town accompanied by som other persons of note to General de Ginckle's quarters on the 28th. The Commissioners were, the Earl of Lucan, the Lord of Galmoy, Collonel Nicholas Purcel, Collonel Nicholas Cusack, Sir Toby Butler, Collonel Garret Dillon, and Collonel John Brown. These Commissioners being arrived, General Ginckle sent immediately for his general officers, for to be his co-assistants in manageing the treaty. All being mett, they entered upon the business: wherein they had many a long and vehement debate. At last they came to an agreement allmost compleate in that same day the 28th of September. The few difficulties, which remained to be settled, were putt off, till the regents¹ of Ireland for the Prince of Orange should arrive in the camp: who were sent for to signe the treaty along with General Ginckle, as the Irish Commissioners exacted. p. 795.

"87. On the 1st of October in the evening, the said regents or Lords Justices, Sir Charles Porter, and Mr. Thomas Coningsby arrived. On the next day the Irish Commissioners went abroad to treat with the regents, and General de Ginckle: and haveing stayed with them till 12 at night, they absolutely concluded the treaty, which was signed p. 796.

¹ See ante, under page 636 of the MS.

MSS. OF
THE EARL OF
FINGALL.

and exchanged on the 3d of October 1691. In consequence of which, the Irish delivered on the same day unto the English, their outward works, their stone-fort, and St. John's Gate, in that moyety of the city called the Irish town. The English town was reserved for the Irish army, untill they were ready to march to the city of Cork, for to be transported into France.

"88. The articles of agreement for the surrendering of Lymerick, and the countyes of Lymerick, Clare, Kerry, Cork, Maio, and Sligo unto the subjection of the Prince of Orange, and of the Princess his consort, are divided into two parts. The first part is concerning the Irish who do remain in the kingdom. The second is concerning the Irish army, that is to goe into France. The first part contains thirteen articles, which are these in short :

- p. 797. 1. The Roman Catholicks of this kingdom shall enjoy such privileges in the exercise of their religion, as are consistent with the lawes of Ireland ; or as they did enjoy in the reign of King Charles the Second. And their Majestyes (meaneing the Prince and Princess of Orange, as King and Queen of England) as soon as their affayrs will permitt them to summon a Parliament in this kingdom, will endeavour to procure the said Roman Catholicks such further security in that particular, as may preserve them from any disturbance upon the account of their said religion. This article in seven years after, viz. in the year 1698, was broake by a Parliament in Ireland summoned by the Prince of Orange. For instead of strengthening it, according to the purport of that article, the said Parliament made a law for banishing in perpetuum the Catholick bishops, dignitaryes, and regular clergy, which was executed. The Parliament grounded their law upon their own interpretation of this first article without the consent of the Irish Catholicks, which in equity they could not do. For a party is never admitted judge, even among pagans, of the other party's right. And whenever a doubt ariseth upon any article of a treaty of peace; the settling of that doubt, is usually left either to the mediator, or to commissioners appointed from both parties. The Parliament flattered their tyrannical inclination by this, that in the dayes of King Charles the Second, the prelates and regular clergy were persecuted now and then for a year or two, more or less, upon some whimsy the government of England or Ireland conceived, as in the tyme of that perjured knave, Titus Oates; or in the like juncture. But this case does not favour the breach of the first article of Lymerick's treaty. For the persecution of the Catholick bishops and regular clergy, in the reign of Charles the Second, lasted but for a short while. But this banishment, tho' imposed by the Parliament without colour, is perpetual. Secondly : the Parliament seems ignorant in the nature of a peace. For a peace is in perpetuity : and not left arbitrary to either party to breake it or keep it. And of the same duration is every article therein reciprocally granted. For otherwise there would be noe peace be eaver made in the world : because one party would not leave his obtained doom to the discretion of the other, for the takeing it away or not, when that other should think fitt, and be able. Whence it followeth, that both sides would continue their animosities to extremity, or so farr, until they could gett an assurance from one and other, of living lastingly in mutual friendship; unless som just and unforeseen cause should afterwards rise for the disturbing of the peace.
- p. 798.
- p. 799.

" 89. Now to apply this to the first article of Lymerick's pacification: we say, that the concession which the Irish Catholicks obtained in that article

MSS. OF
THE EARL OF
FINGALL.

from the Prince of Orange, was, to enjoy perpetually the exercise of their religion, as they enjoyed it in the reign of Charles the Second. The indubitable meaning of which is this: The Irish Catholicks shall be permitted to exercise for ever without disturbance their religion in chappells and howses, without the splendor of churches, according as they exercised it in the dayes of King Charles the Second. This interpretation is essentially so genuin, that the words, 'as they did enjoy in the reign of King Charles the Second,' cannot possibly, according to the nature of a peace, be referred to tyme or duration, because the duration of the exercise of their religion was interrupted now and then in the above said reign, and because the duration of a peace is perpetual, as this of Lymerick is. You will understand it better by this discourse. We Irish Catholicks do putt ourselves under the subjection of the Protestant Governments of England and Ireland, on condition that the said Governments will suffer us to exercise our religion in what manner, and as long, as those Governments shall think fitt. Here I ask of any unbyassed person, whether such an intent ever sprung in the brains of the Irish Commissioners, all Roman Catholicks, and perfectly knoweing that those, with whom they dealed in this point, were professed enemyes to their religion; and do snatch by custom at every occasion to suppress the same, as they have practised from the reign of Henry the Eighth unto this day? Sure, both partyes are equally bound to perpetuity. If the Prince of Orange will have the subjection of the Irish perpetual, the Irish must have the exercise of their religion perpetual after the exterior manner they used in Charles the Second's dayes. Wherefore we'll goe to the second article.

p. 800.

p. 801.

"90. The second is: that all persons within Lymerick, and in the countyes of Lymerick, Clare, Kerry, Cork, Sligo, and Maio, shall be restored to what estates and rights they enjoyed in the reign of King Charles the Second: and all persons within the said Lymerick and countyes, who profess any calleing, as that of a lawyer, physitian, attorney, and the like, shall be permitted to exercise freely those professions. Out of this article are excluded all estated men, and professors of the above said sciences and arts, who were either prisoners of warr, or who otherwise were not within the said countyes and garrison of Lymerick at the tyme of this capitulation, tho' these last had borne noe employment civil or military for King James the Second. It was here that the greatest weakness of the Irish Commissioners lay, by not constraineing General de Ginckle to grant so easy a point, as I shewed above. But I would fain understand, by what authority does the Prince of Orange (tho' he were lawfull King of England) challenge a right of takeing to himself the lands of those gentilmen, who had not carryed arms against him, nor sate in council against his interest? If the rising of the Irish for King James the Second be reputed a rebellion to the Prince of Orange, as created King of England by the English people, it follows thence, that this new-made King, when victorious, cannot punish any subjects, but such as he finds rebells. This is a general principle of justice embraced by all Christian nations. But several Irish gentilmen amongst those, who were not within the above mentioned citty and countyes at the tyme of makeing the peace of Lymerick, was noe rebells, as being neither in army, nor in council against King William. It is therefore they cannot justly be punished by the said King, either in their lives or in their fortunes. The minor, or the assumption, is uncontroulable. For those persons were really such as I have described them; and even by the confession of the adversaries. The consequence then is inevitable.

p. 802.

p. 803.

MSS. OF
THE EARL OF
FINGALL.

p. 804.

"91. As to those gentlemen, who gott such civil imployments as are Collectors, Justices of the Peace, and the like, from their lawful King, in the beginning of his reign, and held the same, untill their King was ojected out of Ireland by another King, whom the people of England had rayسد, I start the question, whether the said gentlemen can be justly deprived of their inheritances, which they have from birth, by any authority, that is righteously inherent in monarchy? If they be reputed rebells; they must first, according to law, be arraigned, and with the formalities of the said law be convicted of rebellion. In which case, their lives are first taken away, and in sequel their estates; unless they were onely tenants for life. But nothing of this is observed in excluding the said gentlemen from their birth-rights.

p. 805.

"92. And, now that I speake of rebellion, I sett again the quære, how can the Irish at all be truly deemed rebells to the Prince of Orange by riseing for King James the Second against the said Prince created King by the people of England? Was not James the Second acknowledged the lawful King by the three kingdoms, and as such did he not reigne four years? What should then oblige the people of Ireland to disown him their lawful Sovereign for the rest of his life? They had noe grounds of quarrell with his Majesty; and tho' they should have been oppressed by him: yett they did not think it just to vindicat their wrongs by his dethronement, as they observed in their comportment towards Charles the Second, who had injured them in the highest degree. Neither did the Irish see the people of England so tyrannized by the King, as to have any solid cause of dethroneing him: of which above. And of the same sentiment was all Europe, unless we may except the States of Holland; who perhaps will not discountenance subjects of other Princes to rebell, seeing they had made themselves a Republick by rebellion against the Crown of Spain: and who have de facto assisted the subjects of England to rise against their King by givinge a fleet and troops to the Prince of Orange for that effect. Wherefore, why should the Catholicks of Ireland turn savages by destroyeing their lawful King without ryme or reason? That is a behaviour more suitable to hereticks; who in likelihood would become a sort of pagans or Atheists in a few ages, if it were not, that Catholicks, or the true believers, do dayly advertize them of their errorrs in worshipping God.

p. 806.

p. 807.

"93. But you'll say: that England, the principal kingdom of the monarchy, ought to be followed by Ireland in owneing or disowning the Kings of that monarchy. We answer thus: that the behaviour herein of the people of England is noe rule to Ireland, a distinct realm, a different nation, as haveing a Viceroy for Governor sent by the King as King of Ireland: also as haveing discrepant lawes: as haveing a Parliament of her own: so Judges and magistrats. Ireland hath never acknowledged her King to be chosen by the people; but to succeed by birth: nor her King to be deposable by the people upon any cause of quarrell. She knowes more righteous things: and scornes to make heretical England her pattern in the point of righteousness. When the lawful King of England dyes; Ireland acknowledges immediately the person next in blood, be he Catholick or Protestant, to be the King of England and hers, whether the people of England consent to it or not: as she did when King Charles the First was deal: whose eldest son Charles the Second she owned as her true Sovereign, and signed that acknowledgement in characters of blood, tho' at the same tyme England rejected him: untill being weary of her rebellion, she receaved him at

last as her undoubted King. Therefore bring no more England as a prototype of behaviour towards the Crown unto Ireland. It is ridiculous in grain. For the people of England, since their fall into heresy, is a nation prone to rebellion thro' the depravedness of religion : And they have de facto deposed three Kings in direct succession, Charles p. 808. the First, Charles the Second, and James the Second ; while the people of Ireland have fought against those rebels in asserting the rights of those same Princes. England is a nation without conscience or fear of God, as we proved it above in their demeanour towards their lawful Sovereigns and their fellow-subjects, since their unhappy desertion from Rome : while the Irish Catholicks have showed themselves honest men in giving every one his due : to Cæsar, what is Cæsar's ; to God, what is God's : to fellow-subjects, what is theirs, by not invading their lands or their goods : and, lastly, in suffering to extremity, because they would not turn knaves with the knaves of England against the Lord's annoynted, and the good subjects, which if they had don, they would have kept their estates unto this day, as the other villians of the monarchy did. Moreover, you are to know, that England, separated from the lawful King, has no more right in Ireland, than has France or Spain ; or hath Ireland in England. So that each nation of the three, p. 809. viz., English, Scotch, and Irish, is independent of the other two : but all are depending on the King. Hence it is, that, if the blood royal be extinct, every one of the three nations may choose a distinct government. These independencies are sufficiently proved in books, that are obvious. Which spares me labour in this place. Wherefore, what authority the people of England challenges or exercises over Ireland is meer usurpation : and is don in a strong hand. If the Irish had been as wise as couragious, they might have often made England pay for her arrogancy : and they are able to do it yett by a fayr tryal in the field, where neither ignorance in Generals, nor treachery in officers of great trust, have any admittance. There is noe difficulty in believinge this if you consider their bravery abroade. It is the same at home, when they are lead regularly to the combat.

“ 94. But, to return to the second article of Lymerick's capitulation : out of it are also excluded the very infant heys of those fathers, who had served the King against Orange, and dyed in his service before the said capitulation ; or who, being alive, were not within the aforementioned countyes at the tyme of makeing those articles ; provided that the said fathers had not been tenants for life of their estates. Thus the innocent children must starve for want of bread, tho' they be the issue of Lords of lands. Thus they must be punished, because their fathers were honest men, and sticklers to their lawful Prince. Behould a sweet government sett up by the godly people of England ! Behould a religion amazingly reformed ! p. 810.

“ 95. The third article gives the benefitt of the second to all Irish merchants of Lymerick, and of the other garrisons now in possession of the Irish, and of any other town or place in the countyes of Clare or Kerry, that are absent beyond the seas ; provided that they have nott boren arms against the Prince of Orange since February, 1688, ould stile, that is, 1689, stylo novo : and provided that they return into p. 811. Ireland within eight months from the date hereof.

“ 96. The fourth article allows the advantage of the second to particular persons abroade in France, as are Collonel Simon Lutterel ; Captain Rowland White ; Mr. Maurice Eustace, of Yeomanstown ;

MSS. OF
THE EARL OF
PINGALL.

and Chievers, Lord of Mount Leinster; provided they com back to their country within the space of eight months.

"97. The fifth grants to those persons comprized in the second and third article a pardon of all attainders, outlawryes, treasons, misprisions of treason, præmunires, felonyes, trespasses, and other crimes and misdemeanours whatsoever, which have been committed by them since the beginning of the reigne of King James the Second.

p. 812.

"98. The sixth article settles the kingdom by prohibiting law-suites, and such animosities, between privat persons on King James's side comprehended in this capitulation; and others, who were for the Prince of Orange, upon the account of takeing away from one and other, horses, money, or other goods in the time of the warr.

p. 813.

"99. The seventh permittes all noblemen, and gentlemen within the second and third articles to make use of a sword, of a case of pistols, and of a fusil. This article was broake in the summer followeing. For they disarmed surprizingly all the Catholicks of the kingdom, when they heard that the King came to the coasts of Normandy, in order to be transported into England with an army: of which beneath. A Parliament, sitting in Dublin in autumn followeing, made an act that noe Catholick, included in the Treaty of Lymerick, shall henceforward carry a sword, or fire arms, unless he be worth a hundred pounds per annum: and that such a qualified man must have special leave in writeing from the Government for beareing those arms. Since that tyme but few gentlmen have worn a sword. And those few have been often disarmed in a most rude manner, as if they had ported arms without license, whensoever the Government of England dreamed, or pretended any danger from the King of France: whereas those Irish gentlmen did expect, upon any solid occasion, to loose their arms by proclamation commanding them to deliver them up to such and such ministers of justice, since they had carryed them with the good permission of the regency.

"100. The eighth article gives leave to the inhabitants and residents of Lymerick, and other garrisons of its dependence, to remove their goods from thence without being viewed or searched.

p. 814.

"101. The ninth obliges the Catholicks contained in this treaty, to make noe other oath to the Government of England than that of allegiance. This article hath been broaken since, both in intent and in fact. For two Parliaments in Ireland have strained to pass an act, that the Irish Catholicks, even those comprehended in the articles of Lymerick, as well as Protestants, shall be bounden to take an oath against their religion, it being against the Pope's spiritual power; and this under the highest penaltyes. But a party in those Parliaments was prevayled upon not to suffer that law to be made afterwards, and in this year, 1703, the Parliament of England in the regency of the Princess Anne of Denmark, or otherwise Queen Anne, have made an act, obligeing, upon severe punishment, all persons in England and Ireland, beareing imployments civil and military, and using professions of gaineing a livelyhood, as those of lawyers, attorneys, schoolmasters, preachers, sollicitors, and others the like, to take the oath of abjuration: whereby they swear, that James the Third, King of England, now residing at St. Germaines in France, hath not any title whatsoever to the Crown of Great Britain. Out of this oath are not exempted the Irish Catholick lawyers, attorneys, sollicitors and other professors of

p. 815.

MSS. OF
THE EARL OF
FINGALL

calleings, who are comprized within the treaty of Lymerick. Which oath if they refuse, they are ipso facto debarred from exercising their arts and sciences. You see here there is noe depending on the solemn faith of our British hereticks; tho' publick faith is the greatest tye that is made between man and man, between nation and nation. It is sacred amongst pagans, and, if any side infringe it, the rest lookes upon them to be not human. What can mankind do without the observation thereof? There can be noe commerce: noe peace: and all things must fall into a chaos. The Government of England will have the Irish to observe their part of the mutual obligation: and yett the said Government will not fulfill their own; which is against natural equity. For all compacts of this kind are reciprocally binding by the law of nature. Which law cannot be overruled by human statuts; as it is known to every man, who understands exchangeing, buyeing and selling: and therefore I may spare my labour in expatiating thro' a field of discourses, for the proving the villany of the breach of publick faith: onely I will putt these perfidious people in mind of the punishment God inflicted on Israel for three years, and particularly on the family of Saul, in the 21 chapter and second book of Kings, for breakeing faith with the Gabaonits. p. 816.

"102. There are four articles more of civil capitulation: which we will not here insert, leaving the perusal of them to the reader in a book containeing at large the Treaty of Lymerick. The military articles, for the transportation of the Irish army into France, are excellently well don: whereby all persons whatsoever throu'out the kingdom, as well the Irish army as others may, goe into France, or into any other forraign country. But the army shall not carry above nine hundred horses out of the realm. The garrison of Lymerick is to march out with arms, baggage, drums beating, match lighted at both ends, bullet in mouth, colours flyeing, six choice-brass guns, two mortar-pieces, and with half the ammunition of the town. The other Irish garrisons of the above-mentioned countyes are to march out also with the like honours. For the transportation of the Irish forces into France, General de Ginckle is to furnish fifty ships, each ship of two hundred tuns: and twenty more, if need requires, with two men of warr. You may see the rest at large in 19 articles. p. 817.

"103. The next day, being the 4th of October, the peace was proclaymed at Lymerick, and in the English camp. On the 5th, the Irish cavalry, that was encamped at Ennis, came close to the city: the foot-garrison thereof, for the most part, went out, and joyned them. Here, before the Irish army, it was declared that they had liberty to dispose of themselves as they should think fitt: either to goe home and live peaceably in the kingdom: or to continue their service unto King James in France under the banners of the Most Christian King: or, in fin, to com under the pay of King William, as now he must be called by his own subjects the Irish. The invitations made to the Irish souldiers for embracing this side or that side were powerful. But at last the result was thus: all the estated men stayed in the kingdom, in order to enjoy their estates: except the Lord of Galmoy, the Earl of Lucan, Collonel Garret Dillon, Sir Maurice Eustace of Castlemartin, Collonel Gordon Oneil, Collonel Barret, Lieutenant-Collonel Nugent of Dardistown, and Captain Arthur of Hackettstown. There was som other Lords of lands at that tyme prisoners in England, as, the Earl of Tyrone, the Lord Baron of Cahir, the Earl of Clancarty, the Lord Baron of Slane, and a few others: besides what were with the King in p. 819.

MSS. OF
THE EARL OF
FINGALL.

France, as, the Earl of Lymerick, Collonel Dudley Bagnal of Dunlickny, Collonel Symon Lutterel, and a few others.

p. 820.

"104. But the Earl of Lucan, the Lord of Galmoy, Brigadier Patrick Plunkett, Collonel Garret Dillon, Brigadier Ruth, Collonel Gordon Oneil, Major-General Sheldon, and som other principal officers, being desirous to follow and serve the King abroad, drew after them about twelve thousand of the army. The third division was the lott of King William: who by General Ginckle's means gott about 5,000 of the Irish host, with som considerable officers, to com under his pay.

"105. Here we must observe, that this behaviour of the Irish gentlemen, who turned to the Prince of Orange is base. For they are foes to their country by sideing with her enemyes. They are slaves in their nature by voluntarily serveing usurpers: they are in som measure rebels to their King by positively engaging themselves in the service of his dethroner: they betray the cause of their religion, in strengthening the party of hereticks, who actually use their endeavours to extinguish it at home and abroad. These gentlemen have a fall in the path of honour (which is pitty) by embracing the interest of rebels, after haveing so bravely fought against them for three years.

p. 821.

"106. What excuse can they have for this dirty action? It was not want, which moved them thereunto. For som of them were to regain, by the Treaty of Lymerick, lands of inheritance and farms. Others were able to take farms for their livelyhood. And if they were to have neither land nor farm, yett, being resolved to continue a military life for maintenance, they should in honour goe with the rest of the army into France and serve their King under the pay of the Gallick monarch. But the matter is this: these gentlemen despayred that ever the King would be restored: and so were sure, that the government of King William was in perpetuum established. Whereupon they judged it fitter in those circumstances to lay aside that nice honour, and to embrace lucre tho' sordid: which they proposed to themselves to have in plenty by settled employments in their own country, without being obliged to goe to the Confederat warr abroad; and this, besides enjoyeing their estates and farms.

p. 822.

"107. This was the paradise, which these new Williamits expected to have to themselves and to their heys. But they found soon, to their sorrow, that all was a dream. For their new master thought it not safe to trust his new servants: and so he sent orders out of England into Ireland, in January followeing, to disband all the Catholick forces, except 1,400 choice men of them: which were to be divided into two battalions, and to be given to Baldarg O'Donnell, and Collonel Wilson. In a litle while after, a second order was sent to break all Irish Catholicks whatsoever. A third order was sent, in March followeing, to rayse five companies of Catholicks, a hundred to each company: and to be sent under the Lord of Iveagh to the Emperor's service, which was don. They were shipped off in summer: they landed in Holland: and being com into Germany, the Emperor sent them into Hungary against the Turk. Where all of them (very few excepted) dyed of the plague and other sicknesses, within a year after their arrival.

p. 823.

"108. This disappointment of our gentlemen in their expectations hath brought them down between hope and despayr. For in the future, when the rightful King is reinthroned, it will likely not goe well with them: as it will not with such Governors of towns as had easily surrendered

them to the enemy: so will it not with those Catholicks, who turned Protestants, for to temporize dureing the usurpation: nor with those others, who have had the common fame of being dishonest in the discharge of their trust, civil or military: nor with those, who villified the King's authority in contemning the Viceroy Tyrconnel at Lymerick, and especially at Athlone; of which above.

MSS. OF
THE EARL OF
FINGALL.

XIII.

[DEPARTURE OF THE IRISH ARMY TO FRANCE, 1691.]

"109. All things being prepared for an evacuation of the town [Limerick]: the two regents of Ireland for the Prince of Orange, Sir Charles Porter, and Mr. Thomas Coningsby, departed from the English camp on the 7th of October, and returned to Dublin. On the next day, the Irish gentlemen and others with their families, who had not been concerned in the army, as also those officers and souldiers, who were resolved to stay in Ireland without taking any part under King William, began to leave the citty of Lymerick towards their respective homes. Likewise on the same day a part of the Catholick host that was to goe for France, marched out of the said citty for the harbour of Cork, where they were to embark.¹ The rest followed by intervalls. The last division of them quitted the town on the 1st of November. In a fortnight after Lymerick was surrendered, the expected French fleet, under Count de Chateau Renault, arrived about the 20th of October at Scatterry in the river of Lymerick, being 18 men of warr, four fire-ships, and 20 ships of burden, bringing victuals, ammunition, money, and all other necessaries of warr. In this fleet was Collonel Symon Lutterel, who had taken great care for its speedy arrival, tho' afterwards the arrival proved too late. p. 824.

"110. When this fleet arrived, there was at Lymerick, in that moyety thereof which is called the English town, a good body of the Irish souldiers destined for France, who, now, with the assistance of the fleet might retake the other half of the citty, and maintain it all winter, if the had a mind to breake the peace; and thereby they could renew the warr. For none of their army was shipped off as yett, and the English host was gon into winter quarters. But men of honesty will rather suffer than breake their word, which is a doctrin litle regarded by the Protestants of England and Ireland, as we shall see more beneath. p. 825.

"111. The French fleet being informed of the surrender of Lymerick, returned within a few dayes to France with deep resentment at their unexpected disappointment. There went aboard them a part of the Irish souldiers. The Most Christian King, hearing of this affayr, was in great rage, and was like to punish severely those commanders, (as above said) who had the chief hand in giving up the town, until receaveing some sort of apology for the fact, his Majesty was pleased to smother his passion. p. 826.

"112. The Irish troops being arrived at Cork, and the transport fleet made ready, the major part of them embarked¹ and sayled away about the beginning of December for Brest in France. Another proportion of them departed on the 22nd of December with the Earl of Lucan and several other officers. They all landed safe. In this voyage went

¹ A letter from Sarsfield, Earl of Lucan, to De Ginkel, dated 17th October, 1691, in relation to the embarkation of Irish troops for France, is reproduced on plate xc. of "Facsimiles of National MSS of Ireland," Part IV.-2. London, 1884.

MSS. OF
THE EARL OF
FINGALL.

along Chancellor Fitton, Sir Richard Nagle, and Mr. Plowden, who were the late Lords Justices for the King, as also the Catholick Lord Primat of Ireland, and a few other prelates.

p. 827.

"113. After the surrender of Lymerick, the English army marched into winter-quarters on the 13 of October: there being left for Governor of the town, Sir David Collier with five regiments. General Ginckle came to Dublin, where he was received and entertained by the regency with abundance of joy and honour. And on the 6th of December followeing he took shipping at Dublin for England. The greatest part of the English army was in the next spring sent into Flanders, for to joyn the Confederate forces against the King of France. And some battalions were transmitted into Savoy under the conduct of the Marquis de Ruvigny, alias, Earl of Galway, in order to reinforce the host of the alleyes in that country. In the ensueing March, and on the 23d day 1692, new stile, King William by proclamation declared the warr of Ireland to be at an end.

p. 828.

"114. Here we cannot omitt to tell our opinion, that the King of France made a false step in the politicks, by letting the Irish warr to fall: because that warr was the best medium in the world for destroyeing soon the Confederacy abroad by reason that the Confederat Princes could not prolong the forraign warr without the army and money of England, which were employed in the warr of Ireland. The sequel of which would be the reinthronement of the King. At which juncture the forces of France and England by sea and land conjoynd, would give lawes to the earth. 'Tis this consideration, that hath made some to believe, that it had been better for the Most Christian Monarch to have minded in the first place the restoration of King James the Second, after the Peace of Reswick, than the enthronement of his grandson the Duke of Anjou. For in such case the Emperor would not have dared attempt anything, seing both sea and land so barricadoed against him, as that there remained noe human possibility unto him to come at the throne of Spain.

XIV.

[LAST DAYS AND DEATH OF JAMES II.]

p. 950.

"61. But a most sorrowful subject calls us away from these ponderations of military affayrs. For we are come at last to a period of that life, which hath proved a spectacle to Heaven and earth. His Majesty of Great Brittain, James the Second, fell sick¹ at St. Germain's in the beginning of September [1701]. For on the second day, new stile, being at mass he found himself so ill, that he was forced to be carryed unto his apartment. On the 4th, the physicians found him in such an evil state of health, as they judged it requisit to putt him to bed. At this the King sent for Father Sanders, for to heare his confession, and to prepare him for death. After His Majesty had confessed, he casted up a little coagulated blood, haveing not strength to vomit as much as was needeful; so that he was in danger of being choaked: which made him fall into a syncope. But being recovered, he earnestly desired the blessed viaticum, which was allready sent for to the parish church.

p. 951.

"62. In the interim the King called for the Prince of Walles, who seeing his Majesty in that sad condition, flung himself into his arms all

¹ See "Life of James the Second," by J. S. Clarke. London, 1816, vol. ii., p. 592.

in teares. The King embraced him tenderly, sayeing, son, I have but four words to say unto you in giving you my blessing, which I give with all my heart: be a good Catholick: fear God: obey the Queen your mother: and adhere allwayes to the King of France. Here the physicians would have the Prince withdraw: but the King interrupted them, sayeing, 'Do not take away my son: lett me bless him once more.' And addressing to His Royal Highness: 'Neaver depart from the Catholic Church: we can neaver loose too much for God.' And some do say that the King added: 'If His holy Providence shall think fitt to sett you upon the throne of your ancestors, govern your people with justice and clemency, and take pittie of your mislead subjects. Remember, Kings are not made for themselves, but for the good of the people. Sett before their eyes in your own actions a pattern of all vertues; consider them as your children; aym at nothing but their good in correcting them. You are the child of voves and prayers: behave yourself accordingly. Be allwayes a kind brother to your dear sister, that you may reape the blessings of concord and unity.' At which the Prince was forced to retire. p. 952.

"63. By this tyme Monsieur Bennet, the parish priest of St. Germaines, arrived with the Blessed Sacrament. The King then said: 'See now, O my God, the happy hower is come, which I have so much desired! Let us goe to God. Sir, I am prepared.' At this he devoutly received. A little after, he spoake thus to Monsieur Bennet: 'I charge you to tell the King from me, that I desire to be buried in your church without any ceremony, pomp, or eloges. I am not worthy of them. I will have no other epitaph, than these words onely: Hic jacet Jacobus Secundus.' A rare humility in so great a man! which gives shame to our little fops, who are proud for nothing. p. 953.

"64. Here Father Sanders proposed to the King the receaveing of the Extreme Unction, and his Majesty thereat desired it: which was administered unto him by the Prior Bennet. All this while the Queen remained on her knees in the chamber all drowned in sorrow, and prayeing for the King's recovery: who was much concerned for her Majesty, and endeavoured to comfort her. But at last she was obliged by the physicians to withdraw, both for the King's ease, and for her own. At the end of which the young Princess was introduced, all overwhelmed in tears. To whom the King gave his blessing with a deale of tenderness, sayeing: 'Adieu, my dear child; fear God and serve Him all the days of your life: respect and obey the Queen your mother, who has been no less than myself, overclouded with calumnyes. But tyme, the mother of truth, I hope, will at last make her vertue shine as bright as the sun.' p. 954.

"65. In a little tyme after this, the Archbishop of Athens, being then the Apostolical Nuncio of France, entered the room to visit the King, who shewed great joy at his appearance, and sayd with a firm voyce: 'Sir, I am glad to see you, that I may make in your presence the profession of my faith,' which the King strongly performed. And then he added: 'I pray you, assure the Pope of my profound respects. Tell him that I dye a child of the Church; and if it should please God to give me life, I would serve him and the Church better, then I have don.'

"66. Here we observe a noble zeal in the King for his religion, for the Church, and for the supreme Governor thereof. This is the behaviour of all saints: and saints they cannot be without it. Noe doubt, if his Majesty had lived to be restored, he would have exhibited an uncommon p. 955.

MSS. OF
THE EARL OF
FINGALL.

ardour in restoring the worship of God to his dominions, from whence it has been banished for an age or two. But the royal infirm is fully possessed of true Christian patience at the shortness of his life; and so his good intentions will be acceptable unto the All-seeing Deity instead of deeds.

p. 956.

"67. After this preparation for death, the King lived twelve dayes longer. In that while all proper remedies were applyed unto him: prayers privat and publick were made for the prolongation of his dayes, because thereupon depended the happiness of suffering nations. The Court of France was in a special concern for his recovery. The King and his brother, the Duke of Orleans, made his Majesty several visitts of charity and tenderness; so did the Nuncio Apostolick, in the Pope's name, and by his orders. In the progress of his sickness, the Duke of Orleans, Monsieur, visiting his Majesty in an afternoon, and being returned to his pallace at St. Cloud, fell into a fitt of the apoplexy in the beginning of the night and dyed the next day about 9 in the morning, whose death proved very sensible¹ to the languishing King, because the Duke had been his most excellent friend, and most loveing kinsman.

p. 957.

"68. About ten dayes after the first preparation, the King understanding that he was passt recovery, notwithstanding so many exquisit medicins adhibited; O how nicely he again prepared for his last scene, for to crown the long tragedy of his life! What admirable acts of resignation he made to the will of the Allmighty! What conquests he made of all his passions, when armyes of such thoughts charged his royal brest, viz., that he had been Lord and Master of kingdoms and now has not so much of earth, as to repose therein that poor body of his, murdered by adversity: that he behaved himself mild and just to his numerous people in the government of them, as his sincere conscience before the All-seeing God assured him, yett he is wurrty to death by those ungrateful nations: that he had given noe offence to forraign Princes; yett he could gett noe pitty from them towards his misery, nor respect towards his dignity, unless from that Prince whom Providence had raysted to give him bread: that he had suffered to extremity for the religion of God; and yett the potentats of that religion have stood idle gazers of his sufferances, without stretching the least relief; yea, have cherished his rebellious subjects in their wickedness: that he had shewed himself a tender parent to his elder children; yett they have proved leaders in his oppression; that he must give up his breath in a strange cuntry, leaving the dear companion of his bed and condition in banishment, and his two young healpless children in the like fortune; and, in fine, leaveing a world of loyal subjects a-bleeding upon his account. It was at this tyme the King desired the comfort of receaving again the Divine Sacrament, which was granted him. Upon this second reception, he made his acts of forgiving all enemyes; which at the first he had forgott. His words are these, more or less, as we have receaved them: 'I am now goeing to make my exit out of this miserable world: out of a tempestuous sea to a port of eternal rest, as I firmly hope thro' the meritts and passion of my dear Saviour. My integrity hath been oppressed with infinit lyes and calumnyes. I never entertained a thought, which was not levelled at the good of my subjects. O sweet Jesus, of thy infinit mercy, forgive the authors of them. I offer up all my sufferings in union with thine. Sweet Jesus, sanctify them to

p. 958.

p. 959.

¹ Sad, grievous.

MSS. OF
THE EARL OF
FINGALL.

me for the eternal salvation of my poor soul. Forgive, sweet Jesus, my own bowells, who have risen up against me. Forgive the chief contrivers of my dethroneing. Give them grace to repent of their errorrs. Eternally praysed be Thy holy Providence, who by permitting me to be deprived of an earthly, hast given me better means to gain an eternal crown. I thank thee, sweet Jesus, for giving me the spirit of resignation among so many calamities.' Here it was that he exhorted his Protestant servants (calling them by their names) to become Catholicks for their salvation. He particularly sayd thus to the Duke of Perth :¹ 'My Lord, I recommend to you my son : I have given him a good governor.' These heterodox gentlemen were not onely extremely moved to sorrow for the condition of their royal master ; but also were moved p. 960. to an excellent opinion of the Catholick religion by the pious behaviour of his Majesty. The Duke of Perth had the happiness to receive the light of faith in a year after.

"69. Within two dayes before the King's death, the Monarch of France made him his last visit. But he first visited the Queen in her chamber : to whom his Majesty declared, that if the King should dye, he would owne the Prince of Walles King of England. Which was an extraordinary great comfort unto her Majesty amidst her extreme pangs of grief. And she made her acknowledgements for it in a befitting manner. At this the Prince was called into the room ; to whom the Most Christian King spoake thus : 'Sir, you are goeing to loose the King, your father : but you shall allwayes find one in me : and I'll look upon you as my child.' The Prince casting himself at the King's feet (whom his p. 961. Majesty took up immediately) answered : 'I shall allwayes, Sir, have for your Majesty the same respect that I have for the King my father. I'll neaver forgett the obligations I have, and I'll neaver fayl all my life, and in every place, to pay you all sorts of acknowledgements.'

"70. This visit being over, the King of France went to see the King of England, and coming close to his bed, said : 'I am come to know, how your Majesty does, and to assure you that if God dispose of your Majesty I'll acknowledge and treat the Prince your son as King of England, and I'll have allwayes the same regard or consideration for him, that I have had for you, and desire to see him treated as such by all the world.' The standers-by raysed such a noyse by prayseing the King of France, and by weeping at the same tyme, that it was exceedingly difficult to hear the King answering. However, if we do not sett down exactly all the words, we keep the sense of his answer ; which was thus. p. 962. I am goeing to pay that debt, which must be payed by all Kings, as well as their meanest subjects. I give your Majesty my dyeing thanks for this, and all your kindnesses to me and my afflicted family ; and do not doubt of your continuance. I have allwayes found you equally good and generous. I thank God, I dye with a perfect resignation ; and forgive all the world ; particularly the Emperor and the Prince of Orange. Sweet Jesus, out of the infinity of Thy tender mercy, forgive them, and give to your Majesty the reward of your heroical bounty and goodness.' The Most Christian Lewis became so overpowered at the King's speech and dyeing condition, that he was forced to withdraw in bidding his last adieus unto his Majesty in these terms, as I have been informed ; 'Adieu (with embracing him) my dear brother, the best of Christians, and the most abused of monarchs.' This Prince at his goeing off was

¹ James Drummond.

MSS. OF
THE EARL OF
FINGALL.

p. 963.

conducted to his coach by the nobility and gentry of the court, English, Scotch, and Irish, with acclamations and tears; some of them flinging themselves at his royal feet, to testify the more their thanks for that most generous action.

p. 964.

"71. The King, after this farewell, lived two dayes. In which space it is inexpressible, how well he prepared for his long departure, his desired exit; murdering all hearts, who viewed him in that state. His last day being come, and a little before death, the Nuncio entered the chamber, and declared that he had received orders from his Holiness to give the Apostolical benediction unto the dyeing King; and accordingly he imparted it, which was a special mark of the Pope's tender affection for this Prince. In a short while ensuing this, the King haveing commended his soul into the hands of his Creator, he expired with a smile a little after three a-clock in the afternoon on Friday the sixteenth of September, new stile, and the 5th ould stile, 1701, in the 68th year of his age, and in the 17th of his reigne, of which he kept possession of his throne near four years, and the other twelve and seaven months he was forced to consume in exile.

p. 965.

"72. Behould here the great sacrifice of a King wholly consumed at last in the fire of tribulation, which his Protestant subjects had kindled and kept a-burning for 23 years. For the persecution of this Prince, rayised by the people of England, began seven years before he ascended the throne, viz., in the year 1678, when he was accused to have had a hand in the plott of Titus Oates, and when at that tyme the Parliament resolved to disinherit him of the Crown for being a Catholick, as we have mentioned above. Which persecution continued privately and publicly without interruption 16 years more unto his dyeing day. We fermly hope that these long and heroick sufferances, being for religion and justice, have not onely obtained mercy for him at the throne of the All-High; but will also procure a happy inthronement to his royal son, and lasting joyes to the afflicted people of the British monarchy.

p. 966.¹

"73. The life of this Prince in his last 12 years is a most excellent book of spiritual instructions. Wherein you will reade amazing patience in the highest adversity, stupifyeing humbleness in a crowned head, a non-such contempt of the world in a monarch, and a signal devotion in a great sovereign. Our pious James made frequent retreats to the convent of La Trap[pe]; wherein at every tyme he spent several dayes in spiritual exercises, leadeing the life of a monck. In the year 1696, when he went to Callis, in hopes to transport himself and an army into England, (of which above) he began the devotion of receaving the divine communion twice a week; which he afterwards observed to his dyeing day. His voluntary pennance is to be admired. For he wore on his feeble body an iron chain; and used the disciplin on his tender flesh. He took comfort in visiting the monastery of nuns at Challiot, which had been founded by his august mother, daughter to Henry the Fourth of France, and in which her heart reposeth. He had several pious conferences with the lady of that family, Dame Frances Angelica Priolo: who among other discourses, condoled one day with the King for his ill success in Ireland. 'His Majesty answered: It is just to submitt ourselves to the will of God.' The like comportment he showed at that fatal misfortune he received at La Hogue,¹ when he was most sure of

¹ A.D. 1692.

MSS. OF
THE EARL OF
FINGALL.

entering into England, as he did upon all mighty calamities. At another tyme, the aforesaid lady by observeing the King's disappointments in all his attempts, and his consummat patience therein, thought fitt to institute a comparison between his Majesty and St. Lewis, King of France, whose noble dessigns against the Saracens, the enemyes of Christianity, were wholly frustrated in those dayes. But the King gave his humble answer : 'Alass ! mother, do not compare me to that great saint. It's true, I resemble him somewhat in my misfortunes, but I am nothing like him in my works. He was allwayes holy even from his youth, but I have been a great sinner. I ought to look upon the afflictions which God hath sent me not as tryalls but as the just chastizement of my sins.' This makes me think on that judgment, which the King passed in a letter to the Bishop of Autun upon his mis-carriage at Callis in February 1696, after the King of France had most prudently settled that descent upon England. Which judgement was, that his Majesty believed his journey to be obstructed by the will of God, as decreeing that his restoration should not be at that tyme, and therefore he said 'we ought to believe, that all God does is for the best.' So in this sentiment he bore that disappointment in a perfect longanimity, which made him more and more aspire after the future happiness, and slight the present. It was this consideration which made him say, that he looked upon the Prince of Orange as one of his best friends. For none had done him so much true good, as he, because that Prince, even in his evil designs, was made use of by Almighty God, for doeing good, that is, for chastizeing the King, and so for makeing him enter into himself. And when the King by this chastizement came to understand the difference between temporal and eternal happiness, he thanked the goodness of God for humbleing him, because it is a mark of salvation ; yea, he expressed his thanks unto the same Providence for takeing away his kingdoms. For by that means he was rouzed from the lethargy of sin to the knowledge and performance of his Christian duty. This now his perfect quest after the crown of glory made him become indifferent for the resumption of the British diadem as for his own personal satisfaction, which he declared. But he opened his desire of being re-throned upon the account of his children, and of his suffering subjects.

"74. After this manner the great King of England passed the twelve concluding years of mortality in his exile, wherein he laboured and suffered much for the premium of eternity. 'Tis then he comprehended that we must not expect to be in pleasure here, and in pleasure there. No, mortal, it must not be thus. 'Tis onely the alternative is left to our choice. Abraham hath told us as much in his answer to Dives, who amidst his flames begged a litle comfort from that Patriarch ; but was denyed, because he had enjoyed the good things of the earth. The same sentence pronounced the God of nature, when in flesh He conversed among us : woe unto you, rich men, who have your consolation in this world ; and woe unto ye who laugh in tyme, for ye shall weep in eternity. There is noe jesting in this case, nor is Heaven such a toy, as to be gained for a song, whatever the strays of religion think, and bad Catholicks. There are innumerable proofs of this position from the infancy of the world unto this present light, and among them our late monarch stands a monumental probat. And so we goe on.

"75. As soon as the King was dead, you may give a conjecture of the greatness of grief which seized all the pallace, which spread over the town of St. Germans, which travelled through all France. So great love, so great veneration, so great compassion was due to the merrits of his

MSS. OF
THE EARL OF
FINGALL.

p. 971.

royal person. Excess of sorrow drove immediately the Queen into retirement at Challiot for a few days, the Prince and Princess remaining all drowned in lamentation. But in a few moments after the King's expiration, there began some comfort to appear in court. For the above mentioned Nuncio, by a precedent command from his Holyness, went to the apartment of the Prince, where having declared his commission, he acknowledged him King of England, Scotland, and Ireland. The same acknowledgment was made a little while after by the Envoy of Modena, the Abbot Ricini. In the evening comes an envoy (the Prince of Conti, as I was told) from the Court of France to owne the Prince King of England and the other dominions. This was an action worthy of Lewis the Great, considering the juncture wherein he did it, viz., when a warr was on his arm and when a greater was most certainly to follow upon the account of his acknowledging the royalty of that orphan Prince. In a short tyme ensuing, the Ambassador of Spain and the Envoy of Savoy did him the like justice.

p. 972.

"76. In three howers after the King's death, viz., about six of the clock in the evening, the body was exposed to publick view in the same chamber, wherein there was two altars erected. The clergy of the parish, the religious Recollects, and the Augustins came thither to say prayers. They sung the dirge in night. In the morning of the next day, being the 17 of September, masses began, and continued to noon. About four of the evening, the body was opened and embalmed. They found a great quantity of serosities in his head, the veyns, that convoy the water, by a third part greater than ordinary; two ulcers in his stomach; extravasated blood in his body; and his heart was much decayed. The opinion of the King's sanctity was so great, that now at the opening of his body, a number of people came to gett pieces of linnen dipped in his blood. The guards took their crevats from about their necks, and did the same.

p. 973.

"77. As to this monarch's sanctity; it is certainly true that there is nothing which runs a man sooner up to holyness than a perfect patience in affliction with a settled resignation to the will of God, and the reason is, because such a resignation is an absolut conquest of himself, which is the hardest province that a man can perform in this life. To say prayers, to fast, to hear mass, to confess and comunicas and to give charity, are noble acts; but not so difficult, as a Job-like patience, according to experience. For we see dayly several persons discharge those Christian devoirs very handsomly. But when they are touched with some stroake of adversity or ill fortune, in their honour, in their worldly substance, or in their health, they become as mad as savages, which storm of impatience throws down all the former edifice. It is upon this fundation of unshakeable patience so many Christians in ages passed have rayzed the glory of being Confessors: that Job attained unto such sanctity: that David in his several afflictions became a noble pattern of imitation. It is by patience that we fly to the mount of holyness, while by other vertues we slowly walk. What wonder then, if King James the Second of England, arrived, at the declension of his life, to a remarkable sanctity, by a quiet and uninterrupted patience in the sharp misfortunes of twelve years, without weighing his acerbities of eleven years in precedence? His manner of departing out of this world doth demonstrat the truth of his holy state. A manner that is in extremes opposit to that of wicked believers, and of hereticks in general, who goe from the stage of mortality to the tribunal of the All-dreadful judge with as litle feeling as any pagan dyeth.

p. 974.

"78. The body being embalmed, was carried at night to Paris in a mourning coach followed by two others, in which were the officers of his court, his chaplains, and Monsieur Bennet, the Prior of St. Germain: the guards du corps carryeing torches of white wax. After this privat way (to comply for the most part with the will of the royal deceased; tho' not in buryeing him in the parochial church of St. Germain, as he had desired) the body was decently deposited in the church of the English Benedictins in the suburbs of St. James, until Providence shall think fitt to transfer it, by a happy restoration of the living King into England, for to bless that cursed land. His heart at the same tyme was brought to the Church of Challiot, where it was received by those ladyes, the nuns, with much veneration. There it is to remain as a fayr monument of his gratitude unto a nation from whom he had receaved the comforts of life for twelve years, which his own ingrateful country had denyed him. p. 975.

MSS. OF
THE EARL OF
FINGALL.

"79. The next day after the deposition of the body in the aforesaid church, a vast concourse of people flocked thither, as they did for many dayes ensuing, for to pray for that faithful soul departed. Some of the good Christians being infirm offered their oraisons to God, that his Divine Majesty might be pleased to grant them health for the sake of his holy servant, James, King of England, which they obtained, as I am assured by credible witnesses. The relation of which in particular I shall leave to the care of his friends at Paris and at St. Germain. p. 976.

"80. In the interim the account of the King's death being sent to Rome by the Nuncio of France, the Pope, Clement the Eleventh, having called a Consistory, acquainted the Cardinals therewith: before whom he made a handsome speech, expressing his great and fatherly grief for the loss of a royal son, who had proved so zealous in his religion that to it he postponed his crown and all he had in the world. He extolled his admirable patience in the villanous dethronement of him made by his subjects. He enjoyned the Sacred Colledge to tender their prayers for the repose of his soul untill he can have his funeral obsequyes performed solemnly in the Pontifical Chappel, which was don a few months after, and the funeral oration was pronounced by Signior Albani, the Pope's nephew. The royal obsequyes were also celebrated in the colledges and convents abroad of the English, Irish, and Scotts, his Majesty's subjects, so they were by some communityes of France. By these comportments of Princes and people, we find that the King of England dyed with more honour in exile that he would in his own country, had he not been banished. Such compassion draws the affliction of a good man from the good, and such respect the oppression of a mighty and innocent King. France, noe doubt, deemed herself fortunat in his presence, and happy in having the remains of so saintly a Prince, while stupid England is not sensible of her own unhappyness. And here I putt a period to the life and death of this great monarch: 'hæc finis Priami fatorum,' whom the Heavens have, already and the suffrages of nations, vindicated from calumny without my poor vindication. But in the event it proved such a calumny, as made our Prince more happy than if he had not been attacked therewith. For it was the occasion, as he himself confessed, of securing the end of his creation. Without which end, what is all the grandeur, all the glory, all the wealth, all the pleasure of the earth, since all have so short a duration? What does it avayl to gain the whole world, if you make shipwrack of your soul? Happy then was the dethronement unto our great Sovereign. But this is language too hard for fools to understand, and so we leave p. 978.

MSS. OF
THE EARL OF
FINGALL.

them in the state of danger. There onely remains unto us to speake of the young King and successor, and of the warrs in brief, which the great Lewis undertakes to setle his grandson, the new monarch of Spain, on his throne, in order afterwards to restore James the Third of England unto his kingdom. And may God be propitious unto his enterprize.

XV.

"LIBER 3. C[CHAPTER] 1."

p. 741.

"1. King James the Second of England left, at his death, issue a son¹ and a daughter² by Mary, Princess of Modena, his most excellent Queen. The son was then thirteen years and three months ould. The daughter was of the age of nine years. Both are the children of mighty hopes. The Prince is exquisitly educated in vertue and learning, and promises a plentiful harvest of happiness to himself and to his subjects. In the next day after his royal father's departure unto a better world he was proclaym'd by a herauld-at-arms before the pallace gate of St. Germain's, King of England, Scotland and Ireland, by the name of James the Third. Within two dayes after, the King of France came to St. Germain's to pay a visitt to the young King, as King of Great Brittain, which visit the King of Great Brittain return'd the day followeing. The Pope also was resolv'd to augment the comforts of this young monarch. For he was pleas'd, like an affectionat father, to write a letter dated the 25 of October at Rome, being in the next month, unto his kingly son, which was full of consolation.

p. 742.

"2. But before this tyme, the account of James the Second decease was brought to Loo in Holland, where the Prince of Orange, alias King William, then was. This made him retire a while from company. In a few dayes after, he parted thence for the Hague where he had consultations with the States about the affayrs of the present conjecture. It was here and now (and not before, since the peace of Reswick, or since the new warr between the Emperor and the Most Christian King and the Catholick Monarch) he concluded a league defensive and offensive with the Emperor and the United Netherlands against France and Spain. By which we understand that the engagement the Prince of Orange gave to Lewis the Great by the Peace of Hall³ of makeinge noe resistance to the restoration of the late James the Second, did not bind him to give noe opposition to the enthronement of the Prince of Walles, or now James the Third, if the King his father shou'd dye in banishment; which case, I believe, was not thought of at that treaty. 'Tis therefore King William appeares at this juncture more eagre to stand for his regal concerns against the monarch of France, than in the life-tyme of King James the Second since the aforesaid peace of Hall. In order then to the better management of his affayres, he returnes into England in the month of October, and immediately dissolves the ould Parliament. He called a new one for to sitt on the 30th day of December followeing.

p. 743.

"3. In the interim the newes of the King's death being spread thro'out the Brittish empyre caused an universal sorrow amongst the Catholicks

¹ James Edward Francis Stuart.

² Marie Louise Stuart, born 'at St. Germain's in 1692. Her death there in 1712 is recorded at page 1499 of the MS. under notice.

³ Or Ryswick, concluded 20 September, 1697.

MSS. OF
THE EARL OF
FINGALL.

and loyal Protestants, but especially amongst the Catholicks of Ireland, who suffered most for him, and were dayly expecting a release from their thralldom by his restoration. A great part of the Irish nobility, who had the honour to serve his Majesty in the State and warr at his being in that kingdom, were stabbed to the heart at the dismal intelligence, because they were now depriv'd of their extraordinary comforts, which they had propos'd unto themselves, by seeing again their ould acquaintance; who could call each of them by his name; who could call them fellow-sufferers; who could remember their meritts; and who therefore would the sooner grant unto them their particular requests, and sooner restore a general happiness to their country. But the case will be somewhat altered in the enthronement of James the Third. For unto him they are strangers: their peculiar services don to his regal father of blessed memory are unknown. This young King may be byassed by the ill-wishers of Ireland; at least it will not be so easy (by reason of his tender youth) to make him sensible of what his Majesty owes to the nation. However, the Catholicks of Ireland, and of the other two kingdoms were rayed much from the depth of grief, when they heard that the Most Christian King had the generosity and courage (it was a thing suitable to his greatness) to do justice to the Prince of Wales in acknowledging him the lawfull King of England, Scotland, and Ireland, before the face of King William, which certainly he would not do (during King William's life) if his Most Christian Majesty had absolutely, without any condition, owned the said William King of England by the Peace of Hall or Reswick. For he could not in reason, and by equity of publick faith given at Hall or at Reswick, acknowledge two Kings of great Brittain at the same tyme, each of whom challenges the crown by a different title. That of his calleing James the Second King of England at the same tyme he owned King William makes not against this argument, because James the Second having been once the lawful King of England, and banished by his subjects, and noe obligation being imposed on the King of France by the Peace of Reswick to refuse that appellation to James the Second, the Most Christian King could call him King of England or Great Brittain at the same tyme he owned King William, without any breach of publick faith or without any prejudice to William's right. But 'tis not the same case in James the Third; because he had not been King any way before the acknowledgement made of William: and therefore William being owned King of England in a solemn treaty of peace by the Monarch of France, does exclude the owneing of another person King of England (who had not been such before that tyme) dureing the life of the said William, according to the nature of publick treatyes of peace. Yett I must confess that some there are who oppose this reasoning, and say, that a Prince compell'd upon some consideration or other to acknowledge an usurper King of the country, is not oblig'd to continue his acknowledgement longer than he pleases, especially if his disowning be for the asserting of the right of the true heyr to the kingdom; and the reason is, because the usurper had noe title to the crown, when the aforesaid Prince was fore'd to owne him King. As it was in the case of the usurper Cromwell, whom several crown'd heads owned by their ambassadors to be the sovereign ruler of England: yett they were not bound to do him that honour farther than they should think it fitt. The general reason is, because constraint is not obligatory. And on the other side, tho' a Prince should owne an usurper King of the land of his own accord, for some reward; yett he is not tyed to continue it, because he had engag'd in an unlawfull cause. But to enlarge

p. 744.

p. 745.

MSS. OF
THE EARL OF
FINGALL.

no further upon this matter, pro and con (haveing said enough of it in the peace of Hall) we come to the warr.

XVI.

[DEFENCE OF CREMONA, A.D. 1702.]

p. 746.

"4. We are now beginning this present year 1702. In the first month of which, and in the end of it, Prince Eugenius of Savoy, General of the Imperial army in Italy, haveing settled a dessigne of takeing the city of Cremona in the principality of Millan by strategem, he sent in disguise between five and six hundred souldiers into the town, that they might open him the gates at the night appointed, which was the 31 of January. Eugenius accordingly came to the gates in the later end of the night, with three thousand chosen cuirassiers, three thousand grenadiers, and five hundred huzzars. The spyes within upon a signal open'd the gates, that is one gate, which had been abandoned, and another which was guarded but by a very few, who here were overpowered. Thro' these two gates, and thro' the gate of the aquæduct Eugenius enters the city with his troops. He took the Place of arms, the guards thereof, and the canon. He took two other marketts, and the principal streets of the town, so that he thought himself master of the place. By this tyme Mareshall Villroy, the General, heareing of some warlick noyse, rose and took horse, accompaneyd onely by two or three, for to discern what was the meaning of the said noyse, he was taken prisoner immediately. A little after the garrison was alarm'd, and up they gott and randevouzed. They were four thousand men in all of which there was two strong Irish regiments of foot, one belonging to Collonel Arthur Dillon, brother to the Viscount Costalo, the other to Colonel

p. 747.

Walter Bourk, Count de Revell, Governor of Cremona, and the Marquis de Pralin sounded the garrison, what they would do in this case of the town being taken. They declar'd unanimously that they would all dye or drive out the enemy. Upon which it was ordered, that the Irish shou'd fight the cuirassiers, and the French the grenadiers. The morning appeareing, the battle began. The Irish charg'd the cuirassiers with that violence that they broake them in a little while, and putt them to the rout, pursueing and killing till they came to the Place of arms of which they made themselves masters, and regain'd the cannon. The like success the French had against the German foot. However, the battle continued with rage on both sides, untill it was night. At which tyme the Germans were forced out of the town after the loss of two thousand seav'n hundred men kill'd and about three hundred wounded, who dyed on the rode, and several prisoners taken. The garrison had of theirs seav'n hundred killed, and five hundred wounded; and lost allmost an equal number of prisoners, who were exchanged the next day. Thus with an unparrallell'd bravery in the fight of elev'n howers the garrison retook the town against double their forces. The next day Count de Revell imployed Captain Daniel Mahoni, an Irishman, (because he had signalized himself in that action, and we may say so of the whole garrison) for to carry the account thereof to his Most Christian Majesty. The King having perus'd the packett, recompensed the bearer with the honour of a Collonell and Adjutant-General to the Duke of Vandome, as he afterwards rewarded all the garrison of Cremona. Collonell Mahoni went from Versaills to

p. 748.

St. Germain, for to pay his respects to his own King,¹ who knighted him for his late service, reputing what was don to his great friend to be don to himself. And 'tis so in the event. For the greater progress is made by France and her allyes in the warr, the sooner will the restoration of James the Third be effected.

"5. In the next month, being February, the Parliament of England apply'd themselves assiduously to the consideration of what wayes and means they shall take to rayse vast summs of money, for to enable King William to carry on a vigorous warr in conjunction with his Confederats against France and Spain, as an assistant to the Emperor, who claymes the Spanish monarchy, and as a principal against the Most Christian King, because he owned the Prince of Walles King of England, contrary to the settlement of the Crown which the Parliament had made in William and in other Protestant Princes of the blood. At this tyme King William lay'd before the said Parliament the league he had concluded with the Emperor and the States-General of the united Netherlands. By this league the three allyes have oblig'd themselves to dispossess the new King of Spain of all the Spanish dominions and deliver them to the Emperor, and to conquer the Spanish Flanders, and to make it a barriere between the French conquests and the territoryes of Holland. A man shou'd think, that this league is ridiculous as to the presumption of it. For, if you will rightly consider matters, there appeares noe probability that these Confederats with all others that they can gett in Europe, will be able to effect what they have undertaken.² p. 749.

XVII.

[DEATH OF WILLIAM III.]

"6. We are now come to see an end putt to that great example of p. 750.
vanity, folly, ambition and villany. It happened that King William went a-hunting one day about the middle of this same month of February [1701-2]. And while he was in pursuit of his game his horse stumbled, and the King thereby fell down, so as he broake his chollar bone. He was brought to his house of Kinsington, and there the bone was sett again. However it kept him in a weak condition for several days, till at last he fell into a fever. All excellent remedies were made use of but had not the desired effect. At which the King was tould that he was past recovery. What preparations of a good Christian he then made for p. 751.
death it is not known to the publick. Onely 'tis said that he was sollicitous in his extremity about some acts of Parliament, which he would have perfected before he dyed. One was, as they say, the act of attainting the Prince of Walles of High Treason, for assuming the title of King of England. There was a privat account that he fell into a fitt of rageing a little before he dyed, and continued so to his last breath. What the cause of this fury was we cannot positively affirm. Some say, that, being tould he was not for this world, he ordered the Earl of Albemarl, a Dutchman and his confidant, to goe to his closett and burn all the papers therein, or some certain papers. But Albemarl, being plunged in a sea of grief, did not mind executing those orders immediately. A little after, upon a

¹ "James III."

² The remainder of section 5 on pages 749 and 750 is struck out in the MS.

MSS. OF
THE EARL OF
FINGALL.

p. 752.

recollection, he went to open the closett door, in order to do as he had been commanded. But he found guards at the said door by command from the Princess Anne of Denmark, who wou'd not lett the Earl enter. Now, if this was tould to the King, it might have cast him into that rage, because there might have been papers there which he wou'd not have any person, at least of English blood, see for the world. Or if this was not the cause of that his madness, who knowes but it was the testimony of a bad conscience made him so furibund? 'Tis certain some of the most inveterat and boulddest sinners have trembled at the approach of death: and the terroure of future judgement coming into their thoughts hath raysed dismal tempests in their minds. Some have seen, before the breath went out of their bodyes, the infernal executors of the Divine vengeance. But in this ambiguity of his manner of dying, we have so much most probable, that he shewed noe exemplary piety in his extremes. Nay, I am assur'd that the Protestant Archbishop of Canterbury proposed to give him the Sacrement of their church: that the King answer'd, 'What good will it do me?' and that immediately he turn'd away his face. If it had been otherwise, the standers-by, being Protestants, wou'd have recorded his final devotion. By this we observe the vast difference between King James the Second, a Catholick, and King William, a Protestant, in their dyeing. The death of the first is able to make a heretick admire the Catholick religion and embrace it. The death of the second is capable to create an odium to Protestancy, and abandon it. The behaviour of James in going off the stage of mortality is a most powerfull perswasion to live vertuously. The deportment of William in leaveing the world gives rather a scandal in seeing a Prince, who professes Christianity, to be so indifferent for his doom at the tribunal of God, tho' he had lead a tolerable life in morality. 'Twas not so the good Christians of antiquity departed hence. They proposed unto themselves that sayeing of St. Paul in his Epistle to the Hebrews: 'It is a terrible thing to fall into the hands of the living God.' And thereupon their preparation for the last hower was very exact. With what profound humility did they demeane themselves? With what fear? With what fervour in prayer? With what sincerity of satisfyeing everybody they owed satisfaction unto? With what acts of repentance? With what profusion of legacies to those that were in want, if they were able to do it?

p. 753.

p. 754.

"7. But William could not be ignorant thro' the light of common reason that he injur'd King James the Second in the highest degree. For the said common reason tould him, that a hereditary crown is not in the guift of the people: and especially while the King is alive and in actual government. He knew most certainly that the said King James had committed noe such barbariety on the souls nor bodyes of his subjects as to deserve a dethronement at the hands of his people. And therefore he must needs understand that he cou'd not lawfully take the guift, which was not the giver's. It was the very case of Oliver Cromwell and of the people of England in the reigns of Charles the First and Charles the Second. The people represented in Parliament took on them to have a power not only of disposing of the crown, but also of bringing the King to an account of his administration. And de facto they deprived Charles the First of his life, for bad Government, as they alleadged, and Charles the Second, of his scepter, and assum'd to themselves the sovereign regency. They confer'd it afterwards on the abovesaid Cromwell. He enjoyed it for the rest of his dayes. Yett the world condemn'd Cromwell for a villain; and the people, for barbarous rebels. And King Charles the Second being afterwards restored,

brought som of the people to condign punishment, and pardoned the generality. And tho' Cromwell had been dead, yett justice was inflicted on his corps.

MSS. OF
THE EARL OF
PINGALL.

"8. The injustice of King William being thus made manifest, what satisfaction did he make on his death to King James the Second, or to his family, for the unparrallell'd wrongs he had don him and to a million of his loyal and innocent subjects thro'out his dominions, especially in Ireland, where many families are sending their cryes up to Heaven against that usurper for their destruction caused by him? He should at least have owned his fault before the world and publickly crav'd mercy of God for the same, with a preparation in mind to give all the satisfaction that should lye in his power to the injur'd persons, if his life were protracted. p. 755.

"9. We'll leave this unhappy Prince to make his accounts with his great Lord the best he can, wishing from our souls that he may putt himself in a condition to do it well, before the breath departs from his body. In the meantyme, we say that his malady lingered unto Sunday the 8th of March, when in the morning he expired in the 50th year of his age and in the beginning of the 14th year of his usurpation. On the same day the Princess Anne of Denmark was alone (to the exclusion of her husband, Prince George) proclaymed Queen, Sovereign of England and the dominions belonging unto it; and on the 23rd of Aprill next she was crown'd with the usual ceremonies. Whether this Princess hath taken the crown (by way of preventing greater mischief) onely so long till the King of France can be at leisure from the warr abroad to enthrone her brother, James the Third or hath assum'd it absolutely to the debarring of the King, a few years will discover. The reason of our doubt herein is, because we have had an account that the said Princess repented her of her comportment towards her royal father, of blessed memory, about ten years agoe. And if her repentance was true, she will prove faithfull to justice in this present case. p. 756.

"10. Here behold a mighty monarch but yesterday, now a sad victim of death! Potentats are no more exempted from payeing this tribute to nature than the poorest vassall. O folly of great men, who putt such exorbitant value on your lives and on the grandeurs of the world! For is it not a trifle even the empyre of the globe, when you cannot enjoy it but for a few dayes? This makes me judge that the Prince of Orange made a foolish bargain. He liv'd in his own country like a King with the glory of honesty; which is a jewell above the greatest diadem. But not contented with this fine lott, he trampled all lawes under foot for sake of a title which was greater than what he had before. And, to preserve it, what seas of blood has he spill'd! What ruins has he brought on countryes! What calamities on people! What risks of his own life! What toyls of body! What troubles of mind hath he endur'd! And how long hath he possessed this title, for which he gave so much? He was in possession of it 13 years, not haveing a child to leave the same unto, nor having had from the beginning any hopes of issue. Now tell me, is the pleasure of 13 years worth those prodigious dammages don to innumerable people tho' noe eternity of torments shou'd ensue? But is it not less worth, those destructions, if 13 millions of yeares shall be spent in tortureing the man for that pleasure? And also if his memory here on earth shall for ever be detested? Certainly if there were noe Heaven nor hell after this life; yett reason tells me that I am not worthy to breathe, if for to pleasure myself either by title or power, or wealth, or any other way, I destroy mankind in vast numbers. It is like the p. 757. p. 758.

MSS. OF
THE EARL OF
FINGALL.
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tyger, or the wolf, that care not what destruction of man or beast they make, so they can please their hunger or their rage. Hence comes my admiration to heare the people of England and the people of Holland (who profess to be Christians) speake of the Prince of Orange now deceased, as if he had been a saint, sayeing, 'His late Majesty of glorious memory.' Out away with their atheism!

p. 759.

"11. This death miserably contristated the whole Protestancy of the three nations, except a few loyalists. Scotland in a special manner grieved that she had lost her greatest benefactor, who had dared to make her wholly Presbyterian to the entire exclusion of episcopacy, which noe Protestant King before would do. The Presbyterians of England sighed, because they were deprived of that King, under whose connivance and inclination to the cause they had increased to greater numbers than eaver. The Protestants and Presbyterians in Ireland, especially those of Cromwell's breed, were deeply struck with sorrow, because their hero was gon, who had restor'd them to those estates of the Irish Catholicks which the usurper Cromwell had conferr'd on them, and the pretended Act of Settlement had confirm'd; but which the just Act of Repeal had depriv'd them of. The States-General of the United Netherlands had the greatest loss of all, because they are for eaver deprived of the most potent family within their territories, and of the best friend, as being King of England, they had in the world. The Emperor and the other allies have a great share in this loss because King William would not onely (as he did in the late warr) assist them with powerfull troops, but give them money besides to maintain their forces, and would be in person amongst their armyes, animating them with his presence, with his example, and with his rewards.

p. 760.

"12. But if you will consult solid reason you shall find that England hath noe cause to lament his death. For what hath she gained by his life? Before she gave him the crown, there was nothing wanting to her temporal happiness, as I have shewed above, while she enjoyed² religion with all freedom. Since his coming to the crown, can she in verity say, that she has had a happy day? Immediately she was afflicted with a costly and destructive warr in Ireland for three years; in Scotland, for a little while; abroad, for several years. Which warr hath caused noe small depopulation in Ireland and England by the death of subjects; an extinction of divers gallant families; of all the best commanders; a loss in shipping of above five thousand merchant vessells, and above fifty men of warr, great and small; an impoverishment of many a thousand; a decay of trade (by which England is supported) not onely in the warr, but since the peace has been made. It hath produced to the people the greatest consumption in their treasure that ever England had felt in any hundred years since the creation, to the amazement of foreign nations when they heare that the subjects have pay'd to King William, dureing the late warr, sixty millions of pounds sterling; that is, about seav'n hundred millions of livres. Yett since the peace of Reswick, now near five years, the people of England have payed every year extraordinary taxes, for to discharge the expences of the said warr, which the sixty millions were not able to do. And still for severall years more the people must be taxed in order to clear those . . .¹ [de]bts. To this dammage in money you must adde more. For the sylver coyn of the kingdom was almost all clypped abroad and

¹ MS. damaged.

at home : some part by the moyety, and some by the third proportion. A greate quantity of the coyn, being carried abroad, did neaver return which bred a vast confusion over the land. To supply this defect, the government was forc'd to procure all the plate used in families thro' out the realm to be coyned. By which it became that the howses of England were the monuments of poverty. p. 761.

“13. As for religion : the Episcopall Protestants of England thought themselves undon, because King James made a Jesuit rector of one colledge at Oxford, and another of his Privy Council, as I mention'd before. But lett us see what advantage did they gain by King William. First : he was noe true episcopal man. For if he were, he wou'd not have positively contributed so much to establish Presbytery. This is confirm'd because he was born and bred in Calvinism, as his countrymen are. But, it seems, a King of any religion whatsoever is acceptable enough to the Protestants of England, provided only he be not a Catholick. Secondly : King William took one kingdom of the three from the Church of England, viz., Scotland, which he made entirely Presbyterian even to the banishing of the Bishops, and depriving them and the Episcopall ministers of their revenues and tyths, to the reduceing of them to mendicancy and hard shifts of liveing. In England and Ireland Presbytery came to so great a height in William's reign, that the Protestants were very sensible of an approaching danger. All sects increased ; and some new ones sprung up ; namely that of Philadelphians, and a number of Atheists, particularly in England, who openly professed that there was noe Diety. Vice reigned so absolutely, that morality was scarce to be found anywhere. p. 762.

“14. Now take notice of the nature of the episcopall men of England. They quarrell'd so with King James, that they dethron'd him for his constituting, chiefly a Catholick Governor over one colledge in the kingdom, and for appointing another Catholick of the Council, as aforesaid, which are but a drop to the ocean. Yett King William did them all that mischief above-said and they did not once question him why he had don so ? Out of this behaviour of theirs, may not a man rationally judge that they are infatuated ? That is, they have lost their reason, not distinguishing good from evill. Yea, I will give it under my hand, that they have [been], and will continue, non compotes mentis, till they return to the Catholick Church. Which, I pray God, may be soon, that we may see in our dayes the afflicted people of the British monarchy delivered from their long bondage. p. 763.

“15. When the newes of King William's death arrived at the Court of France, the most Christian King did not think fitt to goe in mourning for him. Which evidently shewes he had never acknowledg'd in reality the Prince of Orange King of England. For, if he had, there was noe motive, either warr or privat animosity, could have hendered the monarch of France to pay that civility to the royal deceas'd : because it is an inviolable custom between Crown'd heads, that are neighbours, and who have a correspondence with one and other by embassyes, or by commerce, as we see it dayly in practise.

XVIII.

[ACCESSION OF QUEEN ANNE.—DECLARATION OF WAR BY
ENGLAND, 1702.]

“16. The Princess Anne, in a few weeks after being crown'd Queen of England, sett forth her declaration of warr against France and Spain.

MSS. OF
THE EARL OF
FINGALL.

p. 764.

In which there are some terms that import, that the Most Christian King hath usurped some part of the dominions of Spain. How calumnious the expression is, we leave it to the judgment of the world. For that Prince hath not an inch of land belonging to the Spanish monarchy in his possession, nor claymes to it. His grandson is in possession of all countreyes appertaining to that crown, and is an independent King. His grandfather is onely his ally and assistant in defending the possession against the Emperor and his Confederats, as nature obliges him to be.

p. 765.

"17. The States-General of the United Provinces about the same tyme issued their proclamation of warr against the crowns of France and Spain; because the Spanish Flanders was not delivered to their troops to be garrisoned, to the end that it might be a sconce¹ between them and France, that thereby they may sleep without apprehension of danger. I spoake above of this ridiculous pretence, to which place I refer you. The Emperor also, after being a twelvemonth in warr against Lewis the Fourteenth of France, and Philip the Fifth of Spain, declared warr against them with the usual formalities, in order to acquire with the sword what he has noe title to, untill the progeny of the late Lewis the Thirteenth be extinct.

p. 766.

"18. I am of opinion, that the Most Christian King deserves to be chastiz'd for his imprudence. For he was of that tender disposition, and so scrupulous in disturbing the Peace of Reswick, that he suffer'd his enemyes all the year past to gather all their strength before he would attack them, when he could crush the unprepared foes. Is it not warrant enough for me to begin and prevent mischief, when I see my enemy making ready to assault me, without my expecting, till he gives me the first blow? However, his Majesty hath at last, in point of honour, return'd a declaration of warr against the proclamations of the Emperor, England and Holland.

"19. And now that Mars is come into the field, with all his formalities usual in this case, lett us see what progress has he made. It is expected that the Emperor, the Queen of England, and the States-General will act offensively, will push on their dessigne, and bouldly attempt to enter into their enemyes country, as being the aggressors and challengers of great matters. It is enough for the Kings of France and Spain to stand on their defence, and keep possession of what they have, seeing they pretend to no more, and would not undertake warr till necessitated for self-preservation. The warr then is in Italy and managed by the Duke of Vandome for France and Spain; and by Prince Eugenius for the Emperor. It is on the Upper Rhine and ruled by Mareschal Cattinat² for the French, and by Prince Lewis of Baden for the Imperialists. It is on the Lower Rhine, and governed by Mareschal Boufflers for France and Spain, and by the Earl of Athlone³ for the Confederats. It is on the lines of the Spanish Flanders, and guided by the Marquis of Bedmar for Spain and France, and by General Cohorn for the States of Holland.

"20. The Duke of Vandome in Italy enter'd upon action in May, and rayssed the long blockade of Mantua, after takeing the towns in the Mantuan, which Eugenius had possessed all the winter, and about a

¹ A name applied to forts for defending passes.

² Nicholas Catinat, Marshal of France.

³ De Ginkel.

thousand prisoners of warr, and abundance of provisions and ammunition. Upon this success of Vandome, Eugenius entrench'd himself between Mantua and the Po, receaveing his provisions from the Modenese, and expecting sufficient reinforcements from the Emperor for to take the field. The Duke of Vandome, for to drive him out from thence, he has encamped near the enemy, and is upon an enterprize to cutt off the provisions of the Prince Eugenius that com from the Dukedom of Modena. The Catholick King, by directions of his grandfather, left Spain, arriv'd at Naples about the end of Aprill, in order to settle better his affayrs in Italy by his presence. He made a solempne entry into that city by way of takeing possession of the kingdom. He there receaved Cardinal Barbarini, Legat a Latere, sent to him by his Holyness Clement the Eleventh. And haveing established matters at Naples, his Majesty came into Lumbardy, and enter'd the city of Millan on the 18th of June. From whence he is expected every day in Vandom's camp, for to command the army along with that General. p. 767.

"21. In Germany, the Prince Nassaw-Sarbruck, General for the States of Holland, and their allyes, with an army of twenty thousand men, invested on the 19th Aprill the town of Kayserwaert on the Rhine belonging to the Elector of Cullogne, who is in the interest of France and Spain. In this town there was a French garrison commanded by the Marquis of Blainville. Sarbruck took the town upon conditions, on the 17th of June, with the loss of ten thousand men, after the place was reduc'd to a heape of ruins, and with an obligation of demolishing all the fortifications. The French lost about three thousand men in the defence. p. 768.

XIX.

[CONCLUSION OF BOOK 3.] "CHAPTER 12TH."

"1. The long expected yeare is come, 1713, which suffering nations have been wishing for. It is receav'd with all joy, because it brings the end of their wishes, a happy peace. Yett, at the same tyme, we must tell you that 'tis not every nation, of those hitherto plung'd in warr, obtain'd this happiness at the same season. Which misfortune happened thro' the fault of their respective Princes, who were more carryed away with ambition and covetousness than other potentats, who embrac'd the happy opportunity for the sake of their languishing people. How this peace was made, and between whom, we are goeing to give you the narrative. p. 1531.

"We tould you the last year, that the Queen of England concluded a peace with France and Spain by agents, but left the publick signeing thereof to her plenipotentiaries at Utrecht. The plenipotentiaries in the mean tyme us'd arguments in their severall conferences to perswade those of the other allyes to come into the said peace. The Confederat plenipotentiaries for the most part came at last to an acquiescence after consulting their principals, and receaveing from them their final powers and instructions. Wherefore, the High Commissioners on both sides proceeded to finish this great work in the month of April. So the French and English plenipotentiaries signed the peace on the 11th day of the said month, at three in the afternoon. Those of the Duke of Savoy in an hour after. Those of the King of Portugal and King of Prussia before midnight. And those of the States-General in an hower after midnight. The Emperor would not accept of this pacification, as not satisfyeing his demands. The Princes of the Empyre complied p. 1532.

MSS. OF
THE EARL OF
PINGALL.
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p. 1533.

with their head, and therefore they prepar'd for a continuation of the warr against France. Yett the Emperor, before this month, found himself necessitated to lett fall the warr of Spain for these reasons. He understood that the Queen of England had made her peace, and withdrawn her troops out of Spain, and most of her warlick ships out of the Mediterranean. He knew that the States-General were ready to com to an agreement with France, as was the King of Portugal, and the Duke of Savoy: he receav'd an account that his General, Count Staremburg, in Catalonia had lay'd a blockade, in the beginning of December the last year, to Girona with 12,000 men; that the General made three attacks upon the outward forts, and was as often repuls'd, with the loss of 1,500 men in all; that the Duke of Berwick was marching from Languedock with 15,000 French troops to relieve Girona; that, at his approach in the beginning of January this present year, 1713, Count Staremburg in hast quitted the blockade, leaveing behind him four pieces of canon, several waggons, and a good quantity of meal and ammunition. In fine, that Prince Serclas Tilly was to joyn the Duke of Berwick with the Spanish army, and so with their united forces to putt a speedy end to the warr of Catalonia.

"Upon these considerations, the Emperor, by his plenipotentiaries at Utrect, agreed, in the end of February, with the King of France acting for his grandson, the King of Spain, to give up Catalonia, and the Isles of Majorca and Ivica, and to maintain a newtrality in Italy and in the islands thereof. By virtue of this agreement, the Empress departed from Barcelona, on the 18th of March, aboard the English squadron under Sir John Jennings, Vice-Admiral. This princess landed at Genoa on the 29th of the same month. From thence she went to Millan, where haveing remain'd for several dayes, she continued her journey to Germany thro' Tyrol, and in the end of June she arriv'd at Vienna.

MISCELLANEOUS MSS.

1. "The state of Ireland" [A.D. 1701].—22 pages.
2. "The case of the Roman Catholick Nation of Ireland." 1710. 8 pages.
3. "The case of the same, 1711.—8 pages.
4. "An elegy on the death of James the Second, King of England."—12 pages.

Extracts :

"String, muse, thy lyre with lumpish lead, to groane
The death of him, that glory of the throne :
The pride of humbleness, altho' as high
On earth he shone, as Saturn in the skye :
The grace of meekness : and a second Job :
Such charms as might a tyger's heart derobe :
The death of him, that gives new life to those,
Who woorryed him to death, to long repose :
But gives a death to such, as gave their all,
The Lord's annoynted for to reinstall ;
Call all the quire unto thy ayd : and kill
At every note the most obdurat will.
The task is easy for the theam is such
As flints may weep ; tho' rebels think it much.

- " This Prince at first sure was by fates design'd
 As an instruction to all human kind :
 That mortals must not here take up their rest,
 Tho' of an empyre legally possess.
 Creation was not made for fleeting joyes,
 And all beneath eternity are toys.
 The scepter lasts no longer than the spade :
 Nor art of ruleing, than the vulgar trade.
 As short as proves our race, yett who can say,
 The smiles of Fortune have so long a day ?
 Tho' Kings appear above the clouds of woe :
 Th'allmighty thunder strikes them down below.
 'Tis not my province to recense each one
 Adversity had struck upon the throne.
 It will suffice to pass a word or two
 How close she did our royal saint pursue.
- " His tender years were forced to view a sight.
 A bleeding father, not in noble fight,
 But by a lictor's hand, and by the strain
 Of cursed traytors of the deepest stain.
 'Twas such a stroake, noe crown had felt before :
 'Twill scarce find credit on the Scythian shore.
 This drove our eaglett to a forraign state
 To seek a life, or dye a hero's fate.
 When after his return, he had drawn near
 Unto that throne, which was to cost him dear :
 Oh ! what intreagues of Hell to quash his right ;
 And timely to putt out his mortal light !
- " No sooner wore he his paternal crown ;
 But two huge crosses almost weigh'd him down,
 Insulting Monmouth and the proud Argyle :
 He smote them both and rested for a while,
 Untill the mine was by all hands so layd,
 As blew him quite away, untill he dyed.
 Who can remember that sad fatal day,
 Wherein his crown at stake near Salisbury lay ;
 When all his chiefs in favour and command,
 Him left forlorn, and joyned the adverse band ?
 Which lost him England ; and lost them their fame :
 He gain'd a patience-crown : They keep their shame.
 Who can remember that nere dyeing night
 When from his couch he saved himself by flight :
 But ta'en by skipper on the watry realm,
 Receaved affronts that Majesty o'erwhelm ?
 A sincking state is forwarded by all,
 But by the brave, that dread noe frown nor fall.
 Who can remember that barbarian wound
 Which mallice gave him without any ground ?
 'Twas in his honour, and that of the Queen ;
 A lady own'd the glory of the green ;
 A vertue such, in which their betters know,
 There lyes no more of spot, that is in snow.
 Who can remember that unnaturall hand,
 His children lent to drive him from the land ?

MSS. OF
THE EARL OF
FINGALL.

And when 'twas don, their conscience found noe strife
To take away his sustenance of life.
Oh ! 'twas a wound that pierced him most of all :
Lo, a religion, they reformed call !
Who can remember any one of those,
But must the fountains of his eyes disclose ;
And stand astonished at this novel fate,
That vassalls could so boon a Prince e're hate ?
I erre : the fate's not new, a practise here,
Charles and Charles made the case too cleer.
It seems the English throne for some dark cause,
(O who can search into those hidden lawes ?)
Is fatal to those Kings of Alban race :
Not one could please of whatsoever grace.
Be meek, be just, be what you else can name,
Protector, Roman ; allwayes 'tis the same.
They with each Prince by some pretence begun :
But James's ruin from religion sprung.
A lingring martyr of a twelve years' space,
He many found in Diocletian's place.

* * * *

“ Our royal exul now consumed away
By Fortune's wounds, drew near his parting day.
And he went off with jubily of mind,
'Cause that blind goddess to him proved unkind.
For that unkindness sett him on to gain
A nobler realm : where endless is his reign.
He parted so, as he might bear along
The very hearts of such as did him wrong.
But on the good 'twas murder to descry
An innocent beneath oppression dye.
Curse on rebellion : curse on every sect,
From first to last, that did the world infect.
O Lord of mercy ! lett thy will be don :
Tho' by this death we may be all undon.
But James is not so ; tho' fools it say :
They measure all by blessings of this day.
God falsified the word by his own deed :
And for a pattern, here he chose to bleed.

* * * *

“ Oh ! we are weary with this mournefull song ;
And done we have unto the hearer wrong.
I cease, I cease ; I onely with this end :
Tho' grief shall nere unto a period tend.
Great James, you are gon ; and left us here
A suffring people : where our foes appear
To swallow all, that duty payed their King.
And who is he, that can us comfort bring ?
Then take our hearts ; and us your vertues leave,
That to your patience, we may firmly cleave.
Meanwhile that you're for brave exploits in rest,
We'll grave a few on urna's of our brest.
Here lyes the Prince, that dare to owne his God ;
And for the same he felt a heavy rod.
Here lyes the Prince, that justice dared to do ;
For which there did the loss of crown ensue.

Here lyes the Prince, who after looseing all ;
(O piety !) triumphed in his fall."

MSS. OF
THE EARL OF
FINGALL.

5. "A Lamentation song for James the Second, King of England."—
3 pages.

Extracts :

" Help my sorrow, weeping fountains.
Senseless rocks and tow'ring mountains.
Skyes will echo at my sighing ;
Earth grow stupid at my dying.

* * * *

" Was it such a high transgression
In the King to give concession,
That old Peters¹ should advise him
As for that we must dethrone him ?
Or to constitute a rector,
O'er a college,² what great matter ?

* * *

" Now the point that we have gained,
What advantage is obtained ?
Are we richer, are we greater ?
Or in vertue are we better ?
Are our temples more frequented ?
Are our follyes more repented ?
Are episcopals not loosers,
Since the Albans are Recusers ?
Then our whims were sole occasions
Jemmy drove to forraign nations,
Where we kept him till consumed :
All admired, what we presumed.
We may judge now by this story,
Fates prepared a lasting glory,
For an innocence oppressed :
So do fare the good distressed.
David thus was long refined,
Ere to him were starrs assigned.
Job was much in tribulation,
'Ere he gained his compensation.
We have stuck too long in dolours ;
Tho' the subject claymed our labours.
We will end in stroweing wishes
On his urn with cypress-bushes.
Be as great his exaltation.
As was his humiliation.
May the next in power be greater :
Altho' seldom comes a better."

6. "To His Most Christian Majesty the Most Humble Petition of
the Irish abroade in behalf of themselves and of their compatriots at
home."—2 pages.

7. "The King of France shou'd make himself master of the sea."—
9 pages.

¹ Father Petre.

² Magdalen College, Oxford.

MSS. OF
THE EARL OF
FINGALL.

8. "To the Catholicks of Ireland: A Memorial for the defence of their country. Anno 1703."—116 pages.
9. "An Exhortation to stand for their country."—8 pages.
10. "Deserters of their country the cause of its ruin."—11 pages.
11. Address from "N.N.," to the "Lords and gentlemen of Ireland;" "the King's happy restoration to his throne being near at hand."—3 pages.
12. "For the re-inthroned King a method of governing England, Ireland, and Scotland."—4 pages.
13. "To the Irish Nobility at St. G[ermains]. A Memorandum."—6 pages.
14. "Quære, whether the Irish Catholicks are to be pittied in their present suffering."—13 pages.
15. "The Calamity of the tymes."—31 pages.
16. "The Treaty of Lymerick is inviolable."—8 pages.
17. To the Right Honorable the Earl of Fingall, the Earl of Lymerick, and the Lord Power, Agents-General of the Nation."—9 pages.
18. "We are all in the wrong: Repentance and Peace: in a Letter to a friend."—31 pages.
19. "The deplorable condition of England: a letter anno 1696."—40 pages.
20. Treatise on the Gunpowder Plot and on unfounded charges against Roman Catholics of England and Ireland.—8 pages.
21. "The unlawfulness of the oath of abjuration."—8 pages.—Incomplete.

ARCHIVES OF THE SEE OF LONDON.

By JOHN T. GILBERT.

ARCHIVES OF
THE SEE OF
DUBLIN.

The oldest of these records is that designated "Crede Mihi."¹ It is the surviving portion of a register book of documents connected with the See of Dublin, and all the contents are in Latin. The present initial page is marked 80 in Arabic numerals. On the inside of the parchment wrapper is a memorandum by James Ussher, Primate of Ireland, A.D. 1624–56, in which he, as follows, assigns the transcription of the manuscript to about A.D. 1275, and mentions the absence of the portion of it which he assumed to have originally preceded page 80:—

"Pars hæc est antiqui registri Archiepisc[opor]um] Dublin, circa annum 1275 conscripti, quod appellatur 'Crede Mihi' ut constat ex

¹ Taken from Chapter IV., 21, of the Vulgate version of the Gospel according to St. John. The designation was, it would appear, applied to a treatise appended to copies of the Sarum Ordinal. In the Rule of St. Benedict—"Regula B. Benedicti"—the following injunction to the brethren was included under the head of "Ordo qualiter Fratribus in monasterio religiose ac studiose se conversari ac Domino militare oportet."—"Juramentum aliud nemo proferat, nisi 'Crede mihi,' sicut in Evangeliiis legimus Dominum Samaritanæ affirmasse, aut 'Certè,' aut 'Sanè.'"—"Regula constitutiones et privilegia Ordinis Cisterciensis." Antverpiæ. 1630, p. 32.

novo registro Johannis Alani, Archiepiscopi, fol. 64b. Antiqui vero hujus pars tantum posterior extat, viz., a fol. 80 ad 105 et finem."

ARCHIVES OF
THE SEE OF
DUBLIN.

The manuscript is mainly in single column, without ornamentation, and, for the most part, in a close, regular, and much contracted style. Towards its end some entries which are in irregular hands have become faded and partly illegible. The documents—with one exception¹—bear neither headings nor titles, but they have been marked throughout in Arabic numerals. In these, by an apparent oversight, an error of nine occurs at article 141, which is set down as 150. Three pages, near the close, are occupied with a religious treatise, in double columns, and in a style of writing different from that of the other parts. The last page of the manuscript is 116b, a portion of which is blank.

"Crede Mihi" was for a time in the custody of John Alan, referred to in Ussher's memorandum above quoted. Alan was appointed Archbishop of Dublin in 1528, and was killed near that city in 1534, at the commencement of the revolt of Lord Thomas Fitz-Gerald, son of the Earl of Kildare, against Henry VIII. Nearly all the entries in "Crede Mihi" bear in the margins the monogram of Archbishop Alan, who likewise made brief entries on some of its pages and used it in his compilations relative to the diocese of Dublin.

Sir James Ware, in his treatise on the Prelates of Leinster, first printed in 1628, referred to "Crede Mihi" as "registrum antiquissimum." Ussher, in his "Sylloge Epistolarum veterum Hibernicarum," published from it, in 1632, the letter of Pope Alexander III. to Laurence, Archbishop of Dublin, A.D. 1179.

Seven of the articles in "Crede Mihi," as hereafter indicated, were included among "Historical and Municipal Documents of Ireland, 1172-1320," printed in the Roll's series in 1870. A reproduction of fol. 109b, exhibiting the style of writing in "Crede Mihi," and Alan's annotations on it, appears on plate lxxxiv. of the second part of "Facsimiles of National Manuscripts of Ireland," published in 1879.

"Crede Mihi," as now extant, commences with letters in relation to the diocese of Dublin, issued between 1179 and 1264, by Popes Alexander III., Lucius III., Innocent III., Honorius III., Alexander IV., and Urban IV. The contents of "Crede Mihi" do not proceed in regular chronological sequence, but documents relating to the same subjects are occasionally placed together in it. The Archbishops of Dublin, instruments by or in connexion with whom appear here, are Laurence O'Toole, 1162-1181; John Comin, 1181-1212; Henri de Loundres, 1212-1228; Luke, 1228-1255; Fulco de Sandford, 1256-1271; Richard de Feringes, 1299-1306, and Alexander de Bicknor, 1317-49.

Documents in relation to, or executed by, the following are amongst those also extant in this register :—

Henry II.; John, Earl of Moretain and King of England; Henry III.; Prince Edward, subsequently Edward I.; Richard Fitz-Gislebert or "Strongbow"; Eva, daughter of Dermot Mac Murragh, King of Leinster; Hugh de Lacy; William Fitz-Aldelm; Richard de Burgh; Hugh Tyrell; Maurice Fitz-Gerald; Hamon de Valognes; William Mareschal, Earl of Pembroke; Roisia Longespee; Reimund de Karreu; Cardinal Otho, Papal Legate; the Archbishop of Cashel; Bishops and Abbot of Glendaloch; the Bishop of Louth; the Abbot of Citeaux and Abbots of houses of that order in Ireland; the officials of the Dublin cathedrals; the Priors of the Augustinians, Dominicans, and

¹ Catalogue of churches, &c. See p. 218.

Hospitallers in Ireland, and of Cartmel, Lanthony, and Tewkesbury; the Prioress of Grany, in Kildare; Florentine money-dealers; and citizens of Dublin and Limerick.

The longest documents in "Crede Mihi" are the regulations, circa A.D. 1217, for ecclesiastics of the diocese of Dublin, and a catalogue of its deaneries, churches, and chapels. To this catalogue some ancient annotations were added, and they were subsequently supplemented with memoranda by Archbishop Alan. All the documents in "Crede Mihi" are included in the following Calendar, which is the first hitherto published of them.¹ Of most of the documents no copies older than those in "Crede Mihi" are accessible, and the originals are not now known to be extant. The manuscript furnishes some of the earliest specimens of the transmutations of Irish local names by Italian and Anglo-Norman scribes.

Appended to "Crede Mihi," but in styles of penmanship entirely different from it, are transcripts of the Constitutions of Pope Clement V., with two epistles of Pope John XXII., followed by references to passages in Scripture, titles of Cardinals, and form of oath for Archbishops and Bishops.

At the time of the Disestablishment of the Protestant Church in Ireland, the "Crede Mihi" manuscript was in the custody of the late Right Rev. R. C. Trench, Archbishop of Dublin, and it is now in the possession of Lord Plunket, his successor in that see.

CALENDAR OF CONTENTS OF REGISTER STYLED "CREDE MIHI."

1.—"Alexander, Episcopus, Servus Servorum Dei. Venerabili Fratri Laurentio² Dublinensi Archiepiscopo, eiusque successoribus canonice constituendis in perpetuum. Cum teneamur ex debito suscepti regiminis circa universum corpus ecclesie aciem nostre considerationis extendere," etc.—Letter of Pope Alexander III. to Laurence, Archbishop of Dublin, confirming to him and his successors all the possessions and rights of that See, with metropolitan jurisdiction over the dioceses of Glendaloch, Kildare, Ferns, Leighlin, and Ossory. Lateran, XII. Kal. Maii. Incarnationis Dominice Anno MCLXXVIII.—Fol. 80.

2.—"Lucius, Episcopus," etc. "Venerabili Fratri Johanni,³ Dublinensi Archiepiscopo, eiusque successoribus canonice substitutis in perpetuum. In eminenti Apostolice Sedis specula disponente Domino constituti," etc.—Letter of Pope Lucius III. to John, Archbishop of Dublin, confirming to him and his successors the possessions, rights, and metropolitan jurisdiction of that See, together with the pallium, etc.—Velletri, Idus Aprilis. Anno MCLXXXII.—Fol. 80b.

3.—"Alexander, Episcopus," etc. "Venerabili Fratri, Malcho, Glennalachanensi Episcopo, eiusque successoribus."—Letter of Pope Alexander III. to Malchus, Bishop of Glendaloch, admitting him and his successors to Papal protection and privileges.—Lateran, iii. Idus Maii, Anno MLXXVIII.—Fol. 81.

¹ For further observations in connection with the manuscript, see Tenth Report of this Commission, 1885, page 43.

² Laurence O'Toole, Archbishop of Dublin, A.D. 1162–1181.

³ John Comin, Archbishop of Dublin, A.D. 1181–1212.

4.—“Innocentius, Episcopus,” etc. “Venerabili Fratri, Henrico,¹ Archiepiscopo Dublinensi, eiusque successoribus, etc.”—Letter of Pope Innocent III. to Henri, Archbishop of Dublin, confirming to that See all its existing grants and rights, together with the pallium and licence to have the cross borne before him throughout his diocese.—Perusii, XV. Kal. Junii, Anno MCCXVI.—Fol. 81*b*.

5.—“Honorius, Episcopus,” etc. “Venerabili Fratri, Henrico, Archiepiscopo et dilectis filiis Capitulo Dublinensi,” etc.—Letter of Pope Honorius III. to Henri, Archbishop of Dublin, and the Chapter, confirming acts of Cardinal Paperon, Apostolical Legate, in reference to the distribution of the pallium and the division of the See and diocese of Glendaloch, together with the grants to the latter, by Henry II. and John, Kings of England. Lateran, II. Non. Octobris. Pontificatus Anno Primo [A.D. 1216].—Fol. 82.

6.—Alexander IV. grants to the Archbishop of Dublin privileges which are to continue during two years. —Anagni, II. Non. Augusti Pontificatus Anno Secundo [A.D. 1256].—Fol. 82.

7.—Alexander IV. confirms the grant which had been made to [Henri] Archbishop of Dublin by John, King of England, in relation to the church of Penceris, and its appurtenances, in the diocese of Coventry and Lichfield. Viterbo, II. Idus Junii. Pontificatus Anno Tertio [A.D. 1257].—Fol. 82*b*.

8.—Alexander IV. confirms to the Archbishop of Dublin visitatorial and other archiepiscopal jurisdiction in connexion with the Cistercian Monastery, De Valle Salutis [Baltinglas], in the diocese of Leighlin. Anagni, XII. Kal. Maii. Pontificatus Anno Sexto [A.D. 1260].—Fol. 82*b*.

9.—Alexander IV. to Fulco,² Archbishop-Elect of Dublin. The Pope intimates that the election of Ralph, Canon of St. Patrick's, Dublin, to the See of Dublin, had been annulled by him. Archbishop Fulco is authorised to retain the treasurership of the church of London, together with all prebends and other benefices which he has hitherto held. Anagni, XIII. Kal. Augusti. Pontificatus Anno Secundo [A.D. 1256].—Fol. 82*b*.

10.—Alexander IV. authorises [Fulco,] Archbishop of Dublin, to choose a discreet confessor, with special powers in relation to excommunications, etc. Viterbo, V. Kal. Augusti. Pontificatus Anno Tertio [A.D. 1257].—Fol. 83.

11.—Alexander IV. to Archbishop of Dublin. The Pope confirms to the See of Dublin the Deanery of the Church of St. Mary of Penceris, in the diocese of Coventry, with its appurtenances and rights. Anagni, II. Non. Novembris. Pontificatus Anno Quinto [A.D. 1259].—Fol. 83.

12.—Alexander IV. to the Abbot of Tintern,³ the Prior of Atthissell,⁴ and the Archdeacon of Ferns.⁵ The Pope has learned from the

¹ Henri de Loundres, Archbishop of Dublin, A.D. 1212-1228.

² Fulco de Sandford, Archbishop of Dublin, A.D. 1256-1271.

^{3, 4} In county of Wexford.

⁵ In county of Tipperary.

ARCHIVES OF
THE SEE OF
DUBLIN.

Archbishop of Dublin that the Justiciary of Ireland infringes on the liberties of the church; that matters affecting ecclesiastics are adjudicated in the secular courts at Dublin; and that the King's authority is used in opposition to that of the Archbishop. The Pope directs that the Justiciary and his counsellors shall be admonished to desist from these courses. Anagni XV. Kal. Aprilis.¹ Pontificatus Anno Sexto [A.D. 1260].—Fol. 83.

13.—Alexander IV. to the Prior of Friars Preachers, the Dean and Archdeacon of Waterford. The Pope, on the representations of the Archbishop of Dublin, directs investigations and proceedings with a view to legal revocation of grants of houses, tithes, rents, lands, possessions, etc. which some of the Archbishop's predecessors had made to Cistercians, Templars, Hospitallers, and others. Viterbo, II. Kal. Junii. Pontificatus Anno Tertio [A.D. 1257].—Fol. 83b.

14.—Alexander IV. commands the Bishops of Lismore and Waterford to restrain attempts to prejudice the rights of the See of Dublin, while its Archbishop is engaged with the Pope in relation to its affairs. Anagni, V. Id. Marcii. Pontificatus Anno Sexto [A.D. 1260].—Fol. 83b.

15.—Alexander IV. enjoins the Abbot of St. Mary's, Dublin, of the Cistercian Order, to restrain those who attempt to injure the Archbishop of Dublin, in his person, goods, or church. Anagni, Id. April. Pontificatus Anno Sexto [A.D. 1260].—Fol. 84.

16.—Alexander IV. grants to the Archbishop of Dublin license to appoint four qualified ecclesiastics to benefices and canonries. Anagni, Id. April. Pontificatus Anno Sexto [A.D. 1260].—Fol. 84.

17.—Urban IV. requests Henry III., King of England, to check the encroachments which are being made on the rights of the Church by his officials in his territories in Ireland, and especially in the city, diocese, and province of Dublin. Viterbo, II. Id. Novembris. Pontificatus Anno Primo [A.D. 1261].—Fol. 84.

18.—Urban IV. to Prince Edward, Lord of Ireland, eldest son of Henry III., King of England, on preceding subject. Viterbo, II. Id. Novembris. Pontificatus Anno Primo [A.D. 1261].—Fol. 85.

19.—Urban IV. to Bishops of Lincoln and Worcester, on preceding subject. Viterbo, II. Id. Novembris. Pontificatus Anno Primo [A.D. 1261].—Fol. 85b.

20.—Urban IV. apprizes the Bishop of Dromore and the Prior of the Friars Preachers of Drogheda, of the matters mentioned in the preceding documents, and enjoins them to have recourse, if necessary, to excommunication and ecclesiastical censures against the officials of the King of England, should they continue their encroachments on the rights of the Church. Viterbo, II. Id. Nov. Pontificatus Anno Primo [A.D. 1264].—Fol. 86.

21.—Urban IV. to the Priors of the Friars Preachers of Waterford, of St. John's, Kilkenny, and the Archdeacon of Waterford, in relation to

¹ This letter, with those here numbered 18 and 20, will be found in "Historical and Municipal Documents of Ireland," 1870, pp. 170, 172, 175.

petition from William, official of the Archbishop of Dublin, concerning the Dean of Clonfert and adjudication by Bishop of Killala in case between the Archbishop of Cashel and the Bishop of Lismore. Viterbo, IV. Kal. Novembris. Pontificatus Anno Primo [A.D. 1264].—Fol. 86*b*.

22.—Alexander IV. to the Archbishop of Dublin, in reference to ecclesiastics holding benefices, in the city and diocese of Dublin, without apostolical dispensations. Lateran, IV. Non. Marcii. Pontificatus Anno Septimo [A.D. 1261].—Fol. 86*b*.

Charters and Grants, as follow, from John,¹ Earl of Moretain, Lord of Ireland:

23.—To the church of St. Patrick, in the suburb of Dublin: the church of Crumlin, to be constituted a prebend. Ware, 4 Ric. I. [1193]. In crastino Sancti Jacobi.—Fol. 87.

24.—To John [Comin], Archbishop of Dublin, and his successors: the Episcopate of Glendalach, with all its appurtenances.² Dublin.—Fol. 87.

25.—To the same. A carucate of land which Richard del Tuit held, near the church of St. Kevin, outside the walls of Dublin, etc. Waterford.—Fol. 87.

26.—To the same. The half-cantred of land of the abbacy of Glendalach which is next to the castle of Balimore, etc. Tewkesbury.—Fol. 87.

27.—To the same. The land of Coillacht.—Fol. 87*b*.

28.—To the same. The right to hold an annual fair in the town of Swerdes [Swords], in the Archbishopric of Dublin. Apud War[h]am. In crastino Sancti Jacobi, Apostoli.—Fol. 87*b*.

29.—To the same. The right to hold markets on Saturdays at Balimore. Merleberge.—Fol. 87*b*. See No. 100.

30.—To the same. The right to hold a fair at Swords. Duplicate of No. 28.—Fol. 87*b*.

31.—To the same. Confirmation of all previous grants to the Archbishop of Dublin and his church, with authority to hold courts for administering justice to his men in town and country in Ireland.—Fol. 87*b*.

32.—To Thomas, the Abbot: the Abbacy of St. Peter of Glindelach, with it appurtenances. Merleberge. 3 Ric. I. [1192]. Monday before the Ascension.—Fol. 87*b*.

33.—To John [Comin], Archbishop of Dublin: all ecclesiastical and secular possessions granted to him, his predecessors, and successors.—Fol. 88.

34.—Henry II., King of England, grants to his cleric, Thomas, the Abbacy of Glendalach, with its appurtenances, possessions, etc. Gildesford.³—Fol. 88.

¹ These instruments were executed before A.D. 1199, in which year John became King of England. Where dates are not given, the documents are undated in the MS.

² This grant differs from that numbered 41, on the same subject.

³ Guildford, Surrey, was visited by Henry II. in December, 1184, and in the same month in 1186.

ARCHIVES OF
THE SEE OF
DUBLIN.

35.—John, King of England, and Lord of Ireland, confirms to the church of St. Patrick, in the suburb of Dublin, the grant which he had previously made to it of the church of "Crumelyn." Winchester, 26th June, 17 John [A.D. 1215].—Fol. 88*b*. See Nos. 23 and 143.

Charters and Grants from Henry III.:

36.—To Luke,¹ Archbishop-Elect of Dublin, and his successors: grant for disforestation of Coillacht and other lands. Westminster, 8th Nov. 14 Hen. III. [A.D. 1229].—Fol. 88*b*.

37.—To the same. Inspecimus and confirmation of grant² made by John, Earl of Moretain, the King's father to John [Comin] sometime Archbishop of Dublin. Reading, 13th April. 14 Hen. III. [A.D. 1229].—Fol. 88–89.

38.—To the same. The town of Stagunynge, with its appurtenances. Merleberge, 26th Sept. 18 Hen. III. [A.D. 1234].—Fol. 89.

39.—To the same. Weekly market at the Archbishop's manor of Stachgunnild, and an annual fair at Balimore. Reading, 30th Sept. 18 Hen. III. [A.D. 1234].—Fol. 89.

40.—Confirmation, to the church of the Holy Trinity, Dublin, of exchange authorised by King John, in relation to the land and castle of Oconach. Woodstock, 4th Feb. 35 Hen. III. [A.D. 1250–51].—Fol. 89.

Charters and Grants from John, Earl of Moretain, Lord of Ireland:

41.—To John [Comin], Archbishop of Dublin, and his successors: the bishopric of Glendalach. Nottingham, Feast of Nativity of St. John the Evangelist [24 June]. 4 Ric. I. [A.D. 1193].—Fol. 89*b*.

42.—To the same. The custody of all of Earl John's forest in Leinster, of which Richard Tyrel was keeper.—Fol. 89*b*.

43.—To the church of St. Patrick, in the suburb of Dublin: the church of Trum [Trim]. "Apud Warham, in crastino beati Jacobi, Apostoli," 4 Ric. I. [A.D. 1193].—Fol. 89*b*.

Grants from Earl Richard Fitz-Gislebert,³ Deputy in Ireland for Henry II.:

44.—To his cleric, Thomas: the abbacy and "personatus" of Glindalach, with its appurtenances and lands.—Fol. 89*b*.

45.—To Aldred Gulafre. The carucate of land called Dochlon, with its appurtenances.—Fol. 90.

46.—Richard del Peec grants to John [Comin], Archbishop of Dublin, five carucates of land in Odrone, near the Abbey of Belcunglas (Baltinglas).—Fol. 90.

47.—Hugo de Lacy⁴ grants to the church of the Holy Trinity and John [Comin], Archbishop of Dublin, the town of Liskilly, with ten carucates of land.—Fol. 90.

¹ Archbishop of Dublin, A.D. 1228–1255.

² See No. 31, p. 209.

³ These grants were made between A.D. 1172 and 1176. FitzGislebert died in the latter year.

⁴ Hugh de Lacy was killed A.D. 1186.

48.—Walter de Sernesfeld grants tithes of his lands to the Church of the Holy Sepulchre, Dublin.—Fol. 90.

49.—William FitzAldelm,¹ “Dapifer” of the King of England, confirms to Aldred Gulafre the land called Daglun, which Earl Richard FitzGislebert had granted to him.—Fol. 90*b*.

50.—John de Clahella grants to the church of the Holy Trinity, and the Archbishop of Dublin, the lands of Thacnehy.—Fol. 90*b*.

51.—The Countess Eva, heiress of King Dermod,² ratifies to the church of Dublin, and its Archbishop, John [Comin], all the possessions and charitable donations, ecclesiastical and lay, which had been granted to them by John, Earl of Moretain, and “good men of Leinster.”—Fol. 90*b*.

52.—Walter, son of Aldred Golafre, grants to Henri, Archbishop of Dublin, all his rights and claims in the lands of Daclan, which had belonged to his father, Aldred.—Fol. 90*b*.

53.—Richard de Burgo grants to the church of Dublin and its Archbishop, Henri, the cantred of Menevy, in Connacht, at an annual rent of ten marks sterling.³—Fol. 90*b*.

54.—Philip, son of Rys, grants to Murkirtah Othothel the lands of Garfelon, Clondangen, etc.—Fol. 90*b*.

55.—John [Comin], Archbishop of Dublin, on the petition of John de Clahalla, installs Turstan de Hampton in churches in Leighlin, during the vacancy of that See.—Fol. 91.

Grants from William Mareschal, senior, Earl of Pembroke [A.D. 1189–1219]:

56.—To the church of the Holy Trinity, Dublin, and the Archbishop, Henri, five carucates of the land called Strabo, in Fothered.—Fol. 91.

57.—To the church of St. Kevin, Dublin, and M[alchus], Bishop of Glendalach, the lands of Clarthyaune, Bogeryn, and ten carucates in Wykingelow, with “nativi.”—Fol. 91.

58.—Henri, Archbishop of Dublin, grants to Helyas de Coityf one carucate of land in Derroth and Scobach.—Fol. 91.

59.—The citizens of Limerick grant to the church of the Holy Trinity, Dublin, and Archbishop Henri, Legate of the Apostolic See, a carucate of land near Castell Blathach, being one of the forty carucates which John, sometime King of England, had given to them.—Fol. 91*b*.

60.—M[alchus], Bishop of Glendalach, grants to John [Comin], Archbishop of Dublin, Ratheriaig, Kellynee, and Kellepscoip Edain, with their appurtenances, in exchange for Kellmaccabirn and other lands.—Fol. 91*b*.

61.—Laurentius Utothail grants to the Convent “de deserto Sancti Cemgini,” the lands called “Tir meicc i, etc.”—Fol. 91*b*.

¹ Governor in Ireland for Henry II., A.D. 1177.

² Mac Murchad or Mac Murragh.

³ This copy does not contain the names of the attesting witnesses, which are appended to another transcript of the same document numbered 135, at fol. 104 of the MS.

ARCHIVES OF
THE SEE OF
DUBLIN.
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62.—Prior Robert and the Convent of the Holy Trinity, Dublin, grant to Luke, Archbishop of Dublin, the sum of two marks annually, from the lands of Stageloch and Coillach, in compensation for a similar amount which the Archbishop and his predecessors used to receive from the Prior and brethren of Kilmaynan for land in the tenement of Coillach. All Saints Day, A.D. 1248.—Fol. 91*b*.

63.—R[obert], Abbot and Convent of St. Mary, near Dublin, grant to Henri, Archbishop of Dublin, annual rents in that city, in exchange for land of Rathukenan.¹—Fol. 92.

64.—Agreement between the Prior and Convent of Lanthony, Gloucestershire, and John [Comin], Archbishop of Dublin, in relation to churches, chapels, and tithes of the lands of Ockadesi, in diocese of Dublin.—Fol. 92.

65.—Statement by Abbot Gaugerius and Convent of Citeaux, in relation to arrangements between their house and Henri, Archbishop of Dublin, and his successors. A.D. 1223.—Fol. 92.

66.—Abbot Peter and Convent of Tewkesbury grant to Henri, Archbishop of Dublin, the land of Othach, in the port of Lissemor, which had been bestowed upon them by John, Earl of Moretain.—Fol. 92*b*.

67.—Compact between the Archbishops of Dublin and Cashel, and their suffragans, to maintain the liberties and possessions of their Sees against the Archbishops of Armagh, especially in relation to the Primacy.—Fol. 92*b*.

68.—Luke, Archbishop of Dublin, and the Chapters of the Holy Trinity and of St. Patrick's grant to Maurice FitzGerald, Justiciary of Ireland, their manor of Oconach, in Munster. V. Kal. Februarii, A.D. 1242. Fineglas.—Fol. 93. See No. 78.

69.—Reimund de Karreu, junior, sets to Archbishop Luke, for twenty-four years, from Michaelmas in the twenty-seventh year of Henry III. [A.D. 1243], a carucate of land in his tenement of Stachlorgan, near Dundrum, Dublin, at an annual rent of twenty shillings.—Fol. 93.

70.—Final agreement between Archbishop Henri, and the citizens of Dublin, in relation to a common pasturage. 7 Hen. III. [A.D. 1222–3.]—Fol. 93.

71.—Agreement between Archbishop Henri and the citizens of Dublin, for the settlement of hitherto existing disputes.² 9. Hen. III. [A.D. 1224–5.]—Fol. 93*b*.

72.—Grant of twenty carucates of the land of Ucunil to John [Comin], Archbishop of Dublin, from Hamo de Valognes, in consideration of injuries inflicted on the church of Dublin by him and his men, while he was Justiciary of Ireland.—Fol. 94.

73.—Robert de Liuet grants the Church of St. Nicholas, near Barewe,³ to W[illiam],⁴ Bishop of Glendalach, and the Abbot of St. Thomas, Dublin.—Fol. 94.

74.—D[onal] Macgilleholmoc and his wife, Dereuorguil, grant to the Church of St. Machotus, of Clond[olcan], land near Macdelewein, which their ancestors held—"ante conquisitionem Hibernie ab Anglicis."—Fol. 94.

¹ See Chartularies of St. Mary's Abbey, Dublin, vol. i., p. 181. Rolls series, 1884.

² See "Historical and Municipal Documents, Ireland," 1870, p. 80.

³ River Barrow, Leinster.

⁴ William Piro or Pirun, Bishop of Glendaloch, circa A.D. 1192–1214.

75.—Henri, Archbishop of Dublin, grants to Slanus de Mohaud, sixty-seven acres in the manor of Taulach (Tallaght).—Fol. 94.

76.—Stephen de Hereford, and his wife, Matilda, renounce, in favour of Archbishop Henri, their claim to the land of Sleuardach,¹ which that Archbishop had given as a portion with his niece, the said Matilda.—Fol. 94.

77.—Agreement between John [Comin], Archbishop of Dublin, and William, Lord of Naas, in reference to boundaries at Rathmor and Balimor.—Fol. 94.

78.—Hugo Tyrel renounces his claim in the cantred of Okonauch, in favour of Luke, Archbishop of Dublin.—Fol. 94*b*. See No. 156.

79.—Patrick, Sub-Prior, and the Convent of the Holy Trinity, Dublin, grant their rights in Porrachelyn,² the island of Lambay, etc., to Archbishop John [Comin], in exchange for Tilach and other lands.—Fol. 94*b*.

80.—The Bishop of Louth renounces claim on church of All Saints, outside Dublin, in favour of John [Comin], Archbishop of that See.—Fol. 94*b*.

81.—Manasser Arsich grants to Henri, Archbishop of Dublin, five knights' fees in Slefardach.³—Fol. 94*b*.

82.—Agreement between William, Bishop of Glendalach, and William Mareschal, Earl of Pembroke, in relation to lands in Tristil-dermod, etc.—Fol. 94*b*.

83.—Final agreement, made in the Court of Prince Edward at Dublin, by Fulco,⁴ Archbishop of Dublin, with John le Clerc, Worgan le Juene, David le Norreis, William FitzSimon, and others, in reference to land in Glinmethan and Rathcul.⁵ 46 Hen. III., A.D. 1262.—Fol. 95.

84.—Final agreement between Luke, Archbishop of Dublin, and Henry Prode, relative to a carucate of land in Dilgeny. 26 Hen. III., A.D. 1242.—Fol. 95.

85.—Final agreement between Archbishop Fulco, and Adam de Bedeford, on rents and lands in Typerkevin. 48 Henry III., A.D. 1264.—Fol. 95*b*.

86.—David de Saint Michel and his wife, Agatha, quit claim on their tenement in Typerkevin, in favour of Archbishop Fulco.—Fol. 95*b*.

87.—Final agreement between Robert Pynel and Archbishop Fulco, relative to a carucate of land in Balyhinan.—Fol. 95*b*.

88.—Final agreement of William de Waspayl and his wife, Emma, with Archbishop Fulco, on lands and rents in "villa Trussell." 48 Hen. III., A.D. 1264.—Fol. 95*b*. See Nos. 106 and 110.

89-90.—Final agreement between Archbishop Fulco, and John de Wycumbe, in relation to lands in Glinmethan. 43 Hen. III., A.D. 1259.—Ff. 95*b*-96.

91.—Final agreement between Archbishop Fulco, and Walter Dun, relative to land in Clonmethan. 46 Hen. III., A.D. 1262.—Fol. 96.

¹ ³ Sliabh-ardacha, Slieveardagh, county of Tipperary.

² Portrane, county of Dublin.

⁴ A.D. 1256-1271.

⁵ Rathcoole, county of Dublin.

ARCHIVES OF
THE SEE OF
DUBLIN.

92.—Statement by Roger, Prior of Ker[t]mel,¹ on possessions and rights in Kilros² appertaining to Archbishop Fulco. Kilros, St. Andrew's Day, A.D. 1264.—Fol. 96*b*.

93.—Nicholas Russell grants to Archbishop Fulco a burgage and lands in Swerds (Swords).—Fol. 96*b*.

94.—Jordan le Esuek grants his lands in the city of Dublin, and elsewhere in Ireland, to Fulco, Archbishop of Dublin, "Primate of all Ireland."—Fol. 96*b*.

95.—Agreement by Oliver le Gras to quit claim on land at Penceris, on receipt of one hundred marks, for which sum it was assigned to him as surety by Archbishop Fulco. Dowisky.³ VI. 1*d*. Marcii, Anno Gracie MCCLXVI.—Fol. 96*b*.

96.—Nicholas Russell quits claim on burgage and lands at Swerdes, in favour of Archbishop Fulco.—Fol. 96*b*.

97.—Michael Walensis, Treasurer of the church of St. Patrick, Dublin, quits claim on messuage in town of Balimor, held by him for life, under grant from Luke, Archbishop of Dublin.—Fol. 96*b*.

98.—Adam, son of Hugo, grants to Archbishop Fulco, thirty-five acres of land in Nova Villa.—Fol. 97. See No. 81.

99.—John, son of Alexander Arsick, grants to Archbishop Fulco, a tenement in Sleuardach.—Fol. 97.

100.—John, Lord of Ireland, Earl of Moretain, grants to the Archbishop of Dublin right to hold markets on Saturdays in his town of Balimor.⁴ Portsmouth.—Fol. 97.

101.—Bond from Adam de Budeford for payment of twenty pounds annually to Archbishop Fulco, until the coming of age of Agatha, daughter and heiress of Meyler Othothil, in consideration of a grant of the wardship of her land and marriage. 14 February, eighth year of Archiepiscopate of Fulco. [A.D. 1264–5.]—Fol. 97.

102.—Statement by Roger, Prior of Kertmel, relative to arrangements with Archbishop Fulco, in connection with manor and church of Kilros. Kilros, St. Andrew's Day, A.D. 1264.—Fol. 97. See No. 119.

103.—Agreement between Archbishop Fulco and the Canons of Disert Saint Kevin. X. Kal. Sept., A.D. 1263.—Fol. 97.

104.—Quit-claim from John Gerard, of Balidude, to Archbishop Fulco, on thirty acres of land in Taelacht (Tallaght).—Fol. 97*b*.

105.—Agreement between Archbishop Fulco and Bertram, son and heir of Robert de Nugent, relative to the manor of Mayn.—Fol. 97*b*.

106.—William Waspayl, knight, and his wife, Emma, quit claim on lands in "villa Trussell," in favour of Archbishop Fulco.—Fol. 97*b*.

107.—Luke, Archbishop of Dublin, grants to Thomas de London, fifteen acres of land in Swerdes.—Fol. 98.

108.—John Tailleburgh, and his wife, Margaret, with others, quit claim to land in the town of Adkip, in favour of Archbishop Fulco.—44 Hen. III., A.D. 1259–60.—Fol. 98.

¹ Cartmel, Lancashire.

² Kilrush, in the county of Kildare.

³ Duissk or Graigenemanagh, county of Kilkenny.

⁴ This grant differs from that on the same subject under No. 29.

109.—Notification, by Archbishop Fulco, of appointment of Philip de Gerney to the vicarage of the church of Kilculyn, on presentation by Prior and Convent of Holy Trinity, Dublin. Feb. A.D. 1266.—Fol. 98.

110.—Engagement from William Waspeyl and his wife, Emma, to Archbishop Fulco, relative to land in "villa Trussell." 3 July, 48 Hen. III., A.D. 1264.—Fol. 98. See No. 88.

111.—Acknowledgment, by Roger Stocard, of debt of twenty-seven shillings of silver to Archbishop Fulco. Swerdes, A.D. 1260.—Fol. 98b.

112.—Hugo de Hylun grants to Archbishop Fulco an annual rent of fourteen shillings of silver out of the lands of Farkeel, in the tenement of Coillacht.—Fol. 98b.

113.—Acknowledgment, by the Prioress, Amicia, and the Convent of Grane,¹ of debt to Archbishop Fulco, in relation to suit connected with the church of Ballymacdon. A.D. 1260.—Fol. 98b.

114.—Muriarthauch Othothel grants to Archbishop Fulco the lands of Garfelon, Clondangen, etc. in exchange for others.—Fol. 99.

115.—Agreement between Archbishop Fulco and Henry de Gorham concerning land of Bertram, son of Robert Nugent, of Mayn.—Fol. 99.

116.—Acknowledgment of debt of forty pounds sterling to Fulco, Archbishop of Dublin, by Roisia Longespee,² relict of Lord William de Dene,³ sometime Justiciary of Ireland. IV. Kal. Augusti, 1262.—Fol. 99.

117-18.—M. de Ewyas, Prior of the Hospital of St. John of Jerusalem in Ireland, petitions Henri, Archbishop of Dublin, to sanction his presentation of Henry, cleric of the Earl of Pembroke, to the church of Stachfythenan: Inspeximus by Fulco, Archbishop of Dublin, 3 Non. Februarii [A.D. 1259-60], third year of his Pontificate.—Fol. 99b.

119.⁴—Agreement between Prior Roger, the Convent of Kertmel, and Archbishop Fulco, relative to the manor and church of Kilros. A.D. 1264.—Ff. 99b-100. See No. 102.

120.—Richard de St. Martin, Dean, and the Chapter of St. Patrick's, Dublin, ratify the arrangements in connexion with their lands and rights, as specified in the instrument, here recited, of Archbishop Fulco, dated V. Id. Januarii, in the eleventh year of his Pontificate [A.D. 1267-8].—Fol. 100b.

121.—Prior Roger and the Convent of Ker[t]mel release Archbishop Fulco from ten pounds of the annual amount due to them for the manor and church of Kilros. Ker[t]mel, A.D. 1266.—Fol. 101.

122.—Letter from Cardinal Otho, Legate of the Apostolic See, to the Bishops of Lismore and Waterford, on application from the Archbishop of Dublin, in reference to interference of the Mayor and citizens

¹ Grany, in county of Kildare.

² Estienne "de longe espée," Justiciary in Ireland, A.D. 1260-1261.

³ His death occurred A.D. 1261.

⁴ A line is drawn through this article in the MS.

ARCHIVES OF
THE SEE OF
DUBLIN.

there with contributions for religious objects.¹ London, II. Kal. Marcii, in the third year of the Pontificate of Pope Clement IV. [A.D. 1268].—Fol. 101.

123.—Agreement between Archbishop Fulco and Joseph Fitz William, concerning land in tenement of Taelach. A.D. 1266.—Fol. 101b.

124.—Cyno, son of James de Sancino, citizen and merchant of Florence, of the Company of Riky, acknowledges to have received one hundred pounds of new sterlings from Fulco, Archbishop of Dublin, which the latter was bound to pay in the house of the Knights of the Temple, London.² Dublin, A.D. 1266.—Fol. 101b.

125.—Chino, son of James de Mancino, acknowledges to have received five hundred and fifty marks of new sterlings from Archbishop Fulco, due and payable in the house of the Knights of the Temple, London.³ Dublin, A.D. 1266.—Fol. 101b.

126.—Letter from Synicius, Clerk of the Papal Chamber, to the collectors of the tenths in Ireland under authority of Henry III., King of England, in reference to the payment of seven thousand marks to the Pope. London, VII. Kal. Septembris, 1267.—Fol. 102.

127.—Letter from Clement IV. to Archbishops, Bishops, and others, to receive and aid the bearer, Leo de Buzan, the Pope's Cursor, who is employed on the affairs of the Roman Church. Viterbo. Non. Julii. Pontificatus anno secundo [A.D. 1267].—Fol. 102b.

128.—Settlement by Luke, Archbishop of Dublin, of controversy between William de Norfeld, Archdeacon of Dublin, and the Prior and Convent of the Holy Trinity there, relative to the church of Rathfarnham and the titles of the tenement of Dunavet.—Fol. 102b.

129.—Agreement between the Prioress and Convent of Grane and Richard de St. Martin, relative to church of Turvie.—Fol. 103.

130.—Ordinance by Luke, Archbishop of Dublin, for augmentation of stipend to the Vicar of the church of Swerdes.—Fol. 103.

131.—Acknowledgment by Eudo, Precentor, and the Chapter of St. Patrick's, Dublin, of obligation to pay forty shillings yearly to Roger Oweyn, of that city. Non. Octobris, A.D. 1275.—Fol. 103b.

132.—Ordinance by Luke, Archbishop of Dublin, requiring that Canons of St. Patrick's Cathedral shall, within a year after appointment, attend there in person and take the prescribed oaths.⁴ Clondolcan, A.D. 1247.—Fol. 103b.

133.—Instrument by Thomas,⁵ Dean of St. Patrick's, Dublin, in reference to dispute between the Chapter of St. Patrick's and William de Ley, and others, concerning house in suburb of Dublin.—Fol. 103b.

134.—Grant, from Henry de London, of his messuage at Dublin to Archbishop Fulco.—Fol. 104.

^{1, 2, 3} See "Historical and Municipal Documents of Ireland," 1870, pp. 166, 169.

⁴ The entries from No. 132 to 139 are in a different hand from the preceding, and are much faded.

⁵ Thomas de Chaddesworth, Dean, A.D. 1284-1311.

135.—Grant, from Richard de Burgo, of the cantred of Monewy, in Connacht, to Henri, Archbishop of Dublin.—Fol. 104. See No. 53.

136.—Inspeximus by John de Chamerham, Papal chaplain, of letter from Pope Alexander [IV.] to Bishop of Waterford, in relation to Prior and Convent of St. Mary's of Kenles, in the diocese of Ossory, of the Order of St. Augustine, dated at Viterbo, V. Kal. of Feb. [A.D. 1258–9] 4th year of Pontificate.—Fol. 104b.

137.—Recital, by John, Papal chaplain, of letter of Pope Alexander [IV.] to Bishop of Ferns, in reference to archiepiscopal visitations. Viterbo, V. Kal. Feb. [A.D. 1258–9] 4th year of Pontificate.—Fol. 104b.

138.—Statement by Robert de Schardelowe, of having exhibited to Archbishop Fulco a charter from Radulph Blund, of Clafford, relative to lands of Clynmethan, etc.—Fol. 105.

139.—Grant of land in Swerdes, etc. from Robert Fitz Roger, Canon of St. Patrick's, Dublin, to Archbishop Fulco.—Fol. 105.

140.—Regulations for ecclesiastics of diocese of Dublin, circa A.D. 1217, commencing as follows:—

“*Rectores ecclesiarum et universi quibus incumbit regimen animarum plebes sibi commissas exemplo bono conversationis et verbo exhortationis in fide recta et bonis moribus diligenter instruant et informent. Ut autem liberius et efficacius officium impleant exhortantis, universi curam habentes animarum ecclesiasticis officiis et aliis studiis se exerceant et orationibus et lectionibus jugiter intendunt. Sint pudici, virtutum operatione preclari, humilitate preediti, pacifici, annunciantes bona, dissensiones, rixas et scandala resecentes.*”

Ab illicitis spectaculis se abstineant et precipue torneamentis, luctis, et aliis ubi sanguinis effusio poterit formidari, tabernas et inhonesta convivia non frequentent. Extraneorum fugiant consortia feminarum et omnium ex quarum cohabitatione sinistra suspicio poterit exauriri. Si quis, autem, de incontinentie vicio graviter diffamatus, non poterit canonice se purgari habebitur pro convicto. Convictis vero vel in jure confessis, fructus beneficiorum seu stipendia subtrahantur, donec inde nostram gratiam consequantur.”—Fol. 106.

These regulations conclude as follows, at fol. 108:—

“*Adjicimus etiam quod questuarii per civitatem vel diocesim Dublin nullo locorum admittantur quorumcunque questuarii existant, nisi litteris nostris patentibus muniantur. Quibusquidem questuariis officium predicandi penitus interdiximus. Expositione autem sui negotii tantum contenti permaneant.*”

141.¹—Letter from Henry III. to Richard de Burgo, Justiciary in Ireland: recital of King's charter to Luke, Archbishop-elect of Dublin, for disforestation of lands and exemption from forest exactions. Northampton, 4 December, 1[4]. Henry III. [A.D. 1229].—Fol. 103. See No. 36.

142.—Confirmation, by Richard,² Archbishop of Dublin, of arrangement made by his predecessors in reference to the church of St. Patrick, Dublin. Swerdes, A.D. 1304.—Fol. 108b.

¹ Marked 150 in the MS. The error is corrected here and in connexion with the subsequent numerations.

² Richard de Feringes, Archbishop of Dublin, A.D. 1299–1306.

143.—Charter from John, King of England, by which he confirms his former grant of the church of Crumlin to the church of St. Patrick, Dublin [A.D. 1215].—Fol. 108*b*. See No. 35.

144.—Letter from Cardinal Otho, Legate of the Apostolic See, to Archbishops, Bishops, Abbots, Priors, Deans, Archdeacons, Prelates, and other ecclesiastics in Ireland. The Legate summons the Prelates and others to come to him in person at the ensuing feast of St. Michael. London, Non. Julii. Third year of the Pontificate of Clement IV. [A.D. 1268].—Fol. 109.

145.—Letter from Cardinal Otho to the Archbishop of Dublin and the Bishop of Ferns, requiring them, with others, to attend on him within the octave of the ensuing Easter. Winchester, Kal. Januarii. Third year of Pontificate of Clement IV. [A.D. 1268].—Fol. 109.

146.—Names of the churches and chapels in the following deaneries of the diocese of Dublin; City of Dublin¹; Tachnehy [Taney]; Swerdis [Swords]; Balimor; Bre [Bray]; Wykinlo [Wicklow]; Arco [Arklow]; Tristildermot [Castledermot]; Adthy [Athy]; and De Saltu Salmonis [Salmon Leap].—Ff. 109–13.

147.—Brief memoranda relating to the Kings of England, from William the Conqueror to Henry III.—Fol. 113*b*.

148.—Agreement between John, Archbishop of Dublin, and William, Lord of Naas, in relation to boundaries at Rathmore.—Fol. 113*b*. [*Oblit.*]

149.—Grant of land in Clonmackargill from Richard Tyrell to John de Kylpech.—Fol. 113*b*. [*Oblit.*]

150.—Transcript of part of Scriptural treatise.—Ff. 114–15.

151.—Walter de Bodehame, with the assent of Thecla, his wife, grants land at Lusk to Fulco, Archbishop of Dublin.²—Fol. 115*b*.

152.—Alexander,³ Archbishop of Dublin, grants to Thomas Ocele a messuage and land in Portrathryn (Portrane). Swerd, 15th April, 1347.—Fol. 115*b*.

153.—Robert de Lyuet grants to William, Bishop of Glindalach, and the Abbot of the house of St. Thomas, Dublin, the church of St. Nicholas in his land near Barowe.—Fol. 115*b*. See No. 73.

154.—William Mareschal, Earl of Pembroke, confirms to Heuri, Archbishop of Dublin, five carucates of land near Lechlyn, which had been previously granted to the church of Dublin by Richard del Pek.⁴—Fol. 115*b*.

155.—Notification, by Prior and Canons of the church of Glendalach of grants made to them by Fulco, Archbishop of Dublin.—Fol. 116.

156.—Statement addressed by Hugo Tyrell to Maurice FitzGerald, Justiciary of Ireland, and the King's Justices itinerant there, reciting grant to Luke, Archbishop of Dublin, of claims in the cantred of Okeonnauth.—Fol. 116. See No. 78.

157.—Alanus de Batoniis grants his possessions at Villa Walensis, Corbaly, etc. to Archbishop Fulco.—Fol. 116.

¹ In this section are included the religious establishments at or near Dublin.

² The writing on 115*b*, 116 and 116*b* is irregular and much faded.

³ Alexander de Bicknor, Archbishop of Dublin, A.D. 1317–1349.

⁴ See No. 46.

158.—John de la gren, of Fynglas, grants half an acre of land to Archbishop Fulco.—Fol. 116. [*Oblit.*]

159.—Surrender, by William Fitz Albyn, of seventy acres of land in Balislaicthyr and Clonard.—Fol. 116.

160.—Nicholas Ruffus grants his land of Balyrochgane to Archbishop Fulco.—Fol. 116*b*. [*Oblit.*]

ARCHIVES OF
THE SEE OF
DUBLIN.

PART II.

i.—Constitutions of Clement V., promulgated by John XXII., commencing as follows :—

“Johannes, Episcopus, Servus Servorum Dei, dilectis filiis doctoribus et scholaribus universis ubique commorantibus salutem et Apostolicam benedictionem : Quum nulla juris sanctio quantumcunque perpense digesta consilio ad humane nature varietatem et machinationes ejus inopinabiles sufficit, nec ad decisionem lucidam sue nodose ambiguitatis attingit, eo presertim quod vix aliquid adeo certum clarumque statuitur quin ex causis emergentibus,” etc. Avignon, Kal. Nov. second year of Pontificate [A.D. 1318].—Ff. 117–35.

ii.—iii.—Letters from Pope John XXII. in reference to plurality of benefices, etc. Avignon, VIII. Kal. Nov. and XIII. Kal. Dec., second year of Pontificate, and Kal. Dec., seventh year of Pontificate. [A.D. 1318–1323].—Ff. 135*b*, 136.

iv.—Scriptural references.—Fol. 137*b*.

v.—Titles of Cardinals. Undated.—*Ib*.

vi.—Form of oath for Archbishops and Bishops.—*Ib*.

ARCHIVES OF THE SEE OF OSSORY.—RIGHT REV. W. PAKENHAM WALSH, D.D., BISHOP OF OSSORY, FERNS, AND LEIGHLIN.—By JOHN T. GILBERT.

The chief of these manuscripts is entitled “Liber Ruber diocesis Ossoriensis,” the “Red Book of the diocese of Ossory.” The primary parts of this volume appear to have been written in the fourteenth century, when Richard de Ledrede or Lederede was Bishop of Ossory, an extensive district, of which Kilkenny is the principal town. Lederede, an English member of the Order of St. Francis, was consecrated Bishop of Ossory, in 1316, according to a memorandum in the “Red Book.”¹ Some authorities, however, assign his appointment to 1318. Soon after his installation he presided over a synod of the diocese of Ossory, the acts of which are registered in the “Red Book.” By command of Edward II. he caused a “taxation” or valuation of the diocese to be made, which is copied in this manuscript, and may be

ARCHIVES OF
THE SEE OF
OSSORY.

¹ See Appendix IA., p. 233.

ARCHIVES OF
THE SEE OF
OSSORY.

assigned to 1319 or 1320. In 1324 Bishop Lederede prosecuted for heresy and sorcery Dame Alice Kiteley¹ of Kilkenny and her associates, one of whom was condemned and burned. Circumstances connected with this prosecution and other transactions involved Lederede in contentions with administrators of the English Government in Ireland. Among these was Alexander de Bicknor, Archbishop of Dublin, who publicly excommunicated him, and exacted heavy contributions² from the clergy of Ossory, over whom he asserted metropolitical jurisdiction. Lederede brought many charges against De Bicknor, and having appealed to the Holy See, was by Pope Clement VI. in 1347 absolved from excommunication. After numerous difficulties and an absence of several years, Bishop Lederede returned to his diocese. He died in 1360, and was interred in the cathedral of St. Canice, Kilkenny, which he furnished with many decorations and a window of large dimensions, containing an elegantly executed series of representations of the life of our Saviour in stained and painted glass. The fragments of this window, which was demolished by Cromwellian soldiers, were found in 1846, during the progress of excavations at the cathedral.

The "Red Book of the diocese of Ossory" is composed of stout vellum, and contains eighty leaves and portions of two leaves. It is of small folio size,³ bound in oaken boards covered with leather, now partly decayed. In addition to transcripts of instruments connected with the diocese of Ossory, the volume contains copies of documents relative to the government of Ireland and miscellaneous writings, inserted at various periods terminating in the reign of Queen Elizabeth. It is styled the most ancient book of the church of Ossory in a Latin entry on its first page, signed by Richard Connell, Notary Public and Principal Registrar of that diocese, A.D. 1679. The manuscript has neither ornamentation nor colouring; some of its pages have suffered from chemical applications, and portions of others are obliterated and nearly illegible. The leaves are marked throughout in Arabic numerals. An error in the numeration occurs after the seventeenth leaf, the one following which is also numbered 17. After the fifty-third leaf there is a chasm, the extent of which cannot be accurately defined. The deficiency is not indicated by any note in the manuscript, and the leaf following 53 is numbered 54, as if the matter were consecutive. This defect, hitherto overlooked, existed, no doubt, when the book was placed in its present binding, probably towards the close of the sixteenth century. After fol. 55 there is a small narrow remnant of the blank inner margin of an absent leaf, and, without any reference to this gap, the succeeding page is numbered 56. Of the sixty-eighth leaf a portion only remains. On the final leaf, which follows that numbered 78, appears an entry dated 14 July, 1577, in which William Gerrarde, Chancellor of Ireland, noted that there were "in this book seventy-six leaves and a half leaf." The latter probably referred to fol. 68, above mentioned, but how this computation of the total was made is not apparent. With the exception of a few articles in French, and the English and French lines hereafter noticed, the contents of the "Red Book" are in Latin. The articles, entries, and documents are, for the most part, undated. They are not arranged in any regular order, but may be classed as follows:

¹ See "Chartularies of St. Mary's Abbey, Dublin," ii. cxxxiii. Roll series, 1884.

² This subject is referred to at fol. 24b. of the "Red Book." See p. 225.

³ The leaves are twelve inches in length, and about eight inches and a half in breadth.

Acts of synods of Dublin and Ossory in the fourteenth and sixteenth centuries, taxations and rentals of the latter diocese at various periods.

Documents connected with the Bishops of Ossory, their transactions and rights.

Ordinances and enactments relating to government in Ireland in the fourteenth and fifteenth centuries.

Religious verses ascribed to Richard Lederede, Bishop of Ossory above noticed.

Miscellanea not specially connected with Ossory. Bulls from Popes Adrian IV. and Alexander III. to Henry II. in relation to Ireland; "Magna Carta" of Henry III.; Statutes of England in the thirteenth and fourteenth centuries, treatises on "aqua vitæ" and other "waters"; directions for making "nectar"; French verses on the "proverbs of the Sibyl," with Latin extracts from the Scriptures, "Gregorius," "Cato," and Seneca. The acts of the synods of Dublin and Ossory, entered in this manuscript, were published early in the last century by David Wilkins in the second and third volumes of "Concilia Magnæ Britanniae et Hiberniae." Wilkins mentioned that he printed the documents from transcripts. These would appear not to have been accurate, as may be seen by a comparison of the extracts in our Appendix I., from the "Red Book," with the publication of Wilkins. In connexion with the synod held by Bishop Lederede there is extant in the "Red Book" a partly obliterated entry printed in our Appendix IA. Of the taxations of the diocese of Ossory in the "Red Book," the earliest is that stated in the heading to have been entered as found by Bishop Lederede in registers at the Roman Court and at London. It occupies nine pages of the manuscript, in columns, and is undated, but may be assigned to 1306. The taxation of the diocese, made circa 1320, by Bishop Lederede, under royal command, after the war of Bruce in Ireland, is written in more compact style. It occupies six pages in tabular form and will be found in our Appendix II. Under the nine deaneries of the diocese are enumerated one hundred and twelve churches and chapels, with the amount of the valuation, tithes, and procuration of each. The following in relation to the see of Ossory are also given in our Appendix: Agreement with Abbey of St. Augustin, Bristol, 1395-6 (IX.); Compact concerning vestments, 1388 (XI.); instruments on the rights of the Bishops in the Irish town, Kilkenny, 1372-98 (XII.); and statement on the latter subject by Oliver Cantwell, Bishop, 1487-1526-7 (XIII.). The ordinances and statutes, made "for the common profit of the land of Ireland," by the council of the King of England at Dublin and Kilkenny, in 1351, extending over nine pages of the "Red Book," but imperfect at the close, are given in Appendix VII. These enactments are in French and have not apparently been known to historic investigators. It is noteworthy that several of them were included verbatim in the famous "Statute of Kilkenny," A.D. 1367, but without any reference to their previous promulgation in 1351. Of the sections thus repeated the initial portions appear in our Appendix VII., where they are numbered, 6, 7, 8, 9, 10, 11, 13, 14, 15, 19, 22, and 24.

Appendix VIII. contains a decree of 1359-60 against associating with the Irish, using their language, or sending children to be nursed among them. The ordinance of 1380, against absentees from Ireland is printed in Appendix X.

The Latin verses ascribed to Bishop Lederede extend over fifteen pages of the "Red Book," written in double columns. A memorandum at the foot of the first page of them states that the Bishop of Ossory composed these "cantilenæ" for the vicars of the cathedral, his priests

ARCHIVES OF
THE SEE OF
OSSORY.

and cleries, to be sung on great festivals and other occasions, that their throats and mouths sanctified to God might not be polluted with unseemly secular songs; and the singers were enjoined to provide themselves with proper notes according to the requirements of the words. The pieces extend to the number of sixty. They are devoted mainly to the nativity, sufferings, and resurrection of the Redeemer, and the virtues and afflictions of his Mother. Hymns addressed to our Saviour, the Holy Ghost, and the Blessed Virgin are included among them. In some verses the author prays for temporal as well as spiritual favours, and in others descants on the wickedness of the times, and the transitory nature of greatness. The title "*Cantilena de Nativitate Domini*" is prefixed to the first piece of the series, and the three following are headed "*de eodem festo*." Of all these productions, either the initial lines or the pieces in their entirety are given in Appendix No. III. It will be seen that to some of them lines are prefixed in old English or French, from, it may be assumed, the songs they were intended to supersede or as indicating the appropriate airs. The only copy of Bishop Lederede's verses now known is that in the "*Red Book of Ossory*," and none of them have been either printed or correctly described with the exception of those on their first page, a reproduction of which recently appeared among the "*Facsimiles of the National Manuscripts of Ireland*," edited by the author of the present report.

From the miscellaneous writings in the "*Red Book*" there will be found in our Appendix extracts from the French verses on the "*proverbs of the Sibyl*," and the directions for making "*nectar*," a compound of wine, honey, and spices (VI.). The opening portion of the treatise on "*aqua vitæ*" is given in Appendix No. V. The author describes the modes of the distillation of "*aqua vitæ*" and of using it in the treatment of numerous diseases for which he avers it to be an unfailing remedy. This treatise, which appears to have been entered in the "*Red Book*" at an early period, contains matter somewhat similar to those referred to by Richard Stanihurst,² in the reign of Queen Elizabeth.

A catalogue of the contents of the "*Red Book of Ossory*" is now published for the first time.

CONTENTS OF THE RED BOOK OF THE DIOCESE OF OSSORY.

Fol.

1. Inscription: "*Liber Ruber Diocesis Ossoriensis, antiquissimus ecclesiæ Ossoriensis. Rich: Connell, Notarius Publicus, Registrarius dictæ Diocesis Principalis, anno Domini 1678*" - 1

¹ Part IV. 2. Appendix, Plate XXIII. London, 1884.

² "One Theoricus wrote a proper treatise of aqua vitæ, wherein he praiseth it unto the ninth degree. He distinguisheth three sorts thereof, simplex, composita, and perfectissima. He declareth the simples and ingredients thereto belonging. He wisheth it to be taken as well before meat as after." . . . "Ulstadius also ascribeth thereto a singular praise, and would have it to burne being kindled, which he taketh to be a token to know the goodness thereof. And trulie it is a sovereign liquor if it be orderlie taken." "*The second volume of Chronicles* . . . collected by Raphaell Holinshed." London, 1586, p. 13.

2. "Redditus Domini Episcopi Ossorie": Rents of Bishop of Ossory ¹ - - - - -	1b
3. "Regi Henrico Anglie, filio Matildis Imperatricis, ad terram Hibernie per bullam cujus tenor sequitur et est talis: Adrianus, Episcopus, servus servorum Dei, carissimo in Christo filio, illustri Regi Anglorum salutem," etc.: Bull of Adrian IV. to Henry II., in relation to Ireland - - - - -	3b
4. "Alexander, Episcopus, servus servorum Dei," etc.: Bull of Alexander III. to Henry II. on same subject - - - - -	"
5. Interdict on Walter Walsh, Prior of St. John's, Kilkenny, by John, Bishop of Ossory, for non-payment of "pension" to Kilkenny Cathedral - - - - -	4
6. Account ² of Council at Cashel, A.D. 1171-2.—Partly obliterated - - - - -	4b
7. Note of agreement between Dean and Chapter of Ossory and Procurator of Abbey of St. Augustin, near Bristol, in relation to church of Dysert.—1 January, 1375-6. Appendix IX. - - - - -	5
8. Writ from Justiciary of Edward III. in Ireland to Provost and Commonalty of Kilkenny in relation to market rights of Bishop of Ossory in the Irish town, Kilkenny.—[A.D. 1372-4.]—Appendix XII. - - - - -	"
9. "Hic incipiunt Constitutiones Provinciales de anno Domini M.D.XVIII., per Archiepiscopum Dublinie ³ :" Constitutions by Provincial Synod under William Rokeby, Archbishop of Dublin, A.D. 1511-21 - - - - -	5b
10. "Constitutiones Sinodales ecclesie Ossorie;" Synodal Constitutions of diocese of Ossory, circa A.D. 1320.—Appendix I. - - - - -	6
11. Partly obliterated memorandum in relation to Richard Lederede, Bishop of Ossory.—Appendix 1A. - - - - -	10b
12. "Confines manerii Episcopi de Derwathe in Ossoria": Notarial certificate on perambulation of boundaries of manor of Derwathe (Durrow), at instance of David [Hackett], Bishop of Ossory, A.D. 1460-68 - - - - -	11
13. "Incipiunt Constituciones Provinciales Archiepiscoporum Dublin, Alexandri et Johannis: [U]niversis alme matris Ecclesie filiis per dyocesim et provinciam Dublin constitutis, Alexander, permissione Divina, Dublin Archiepiscopus, Hybernie Primas, ejusque suffraganei, ad certitudinem presencium et memoriam futurorum," etc.: Constitutions by Alexander de Bicknor, Archbishop of Dublin, A.D. 1327-49 - - - - -	11b
14. "Hic incipiunt Constituciones Domini Johannis, Archiepiscopi Dublin" ⁴ : Constitutions by John de St. Paul, Archbishop of Dublin, and Provincial Council at Dublin, A.D. 1351: - - - - -	

¹ Where dates are not given, the documents are undated in the Ms.

² From "Expugnatio Hibernica," by Cambrensis, i. xxxv.

³ Among these regulations are the following: "[1.] Presbiteri Conactenses et Ultonienses non admittantur, nisi judicio Ordinarii inveniantur idonei. Quod non solventes pasturam, et simili ordine decimas, excommunicentur."—" [3.] Calices stannei sint post annum suspensi, nec tales amodo consecrari debent, nisi ciphus saltem argenteus sit."—" [8.] Clerici amodo ludentes a lila pedalem, solvant toties quoties x.l.d. Ordinario, et x.l.d. reparationi ecclesie ubi talis ludus exercetur."—See "Concilia Magnae Britanniae et Hiberniae," vol. iii. p. 660. London: 1737.

⁴ These Constitutions were printed by Wilkins in the third volume of his "Concilia," 1737, commencing at page 18, and with the following addition:—"Ex ms. penes Rev. Episcopum Clogherensem. Copia vera extracta ex libro rubro, antiquissimo diocesis Ossoriensis registro seu recordo, per Rich. Connell, notar.

“[Q]uoniam sanctorum patrum decreta pro moribus reformandis et excessibus corrigendis, quantumcunque hactenus salubriter ordinata, effectum, pro quo ordinantur ad plenum sortiri non possunt, eo presertim, quod humana natura ad malum facilius inclinans, contra juris remedia ob animarum salutem feliciter instituta per suas nodosas et in[ex]tricabiles machinationes novas adinventiones cotidie nititur producere: Nos, Johannes, permissione Divina Dublin Archiepiscopus, unacum suffraganeis nostris in Concilio nostro Provinciali in ecclesia nostra Sancte Trinitatis, Dublin, die Mercurii proximo post festum Sancti Patricii, anno Domini 1351, celebrato, ad laudem Dei, ac gloriose Virginis et Dei genitricis Marie, omniumque sanctorum, et sancte matris ecclesie venustatem pro moribus subditorum solidandis, et viciis extirpandis, constitutiones infra scriptas breves et utiles pro tempore jam instanti, de consensu et assensu suffraganeorum nostrorum predictorum, ac nostrorum et eorundem suffraganeorum, capitulorum, necnon et aliorum omnium, quorum consensus requiritur in hac parte, duximus promulgandas; deçernentes eas a quibuscunque subditis nostrarum civitatis, diocesis et provincie fore futuris temporibus firmiter observandas”				-	-	-	-	15b
[“ De festo Concepcionis Sancte Marie ”]				-	-	-	-	16
[“ De festo Sancte Anne, matris Beate Marie, et aliorum Sanctorum ”]				-	-	-	-	”
“Contra violatores sequestri ecclesiastici”				-	-	-	-	16b
“De clandestina desponsacione”				-	-	-	-	”
“De immunitate ecclesie”				-	-	-	-	17
[“ De jejunio Passionis ”]				-	-	-	-	”
[“ De adorando nomine Jesu.—De veneratione facienda cum recitatur ‘ Gloria Patri ’ ”]				-	-	-	-	17b
“Quod censure ecclesiastice debent in parochialibus ecclesiis publicari”				-	-	-	-	”
At end: “[U]t autem dictarum Constitutionum recens in futurum habeatur memoria, mandamus co-episcopis et suffraganeis nostris universis, quod ipsas in suis diocesibus per se et alios faciant solemniter publicari, et firmiter observari, ac in suis synodis episcopalibus singulis annis publice recitari, ut per eas perversorum refrenetur audacia, libertatesque et jura ecclesiastica conserventur illa ad utilitatem communem, laudem et gloriam nominis Jesu Christi, qui pacem et tranquillitatem ecclesie et terre Hibernicane foveat et confirmet, Amen.”				-	-	-	-	”
15. “[T]axaciones ecclesiarum et beneficiorum fructuum et reddituum episcopatus Ossorie secundum Registrum Curie, prout Episcopus, Frater Ricardus, ¹ invenit in Curia Romana, et in Registro clericorum prope London, et in Registro apud ecclesiam Sancti Pauli, ibidem”				-	-	-	-	17*
“Kenlys”				-	-	-	-	”
“Obargoun”				-	-	-	-	17*b
“Ouerk”				-	-	-	-	18b
“Kilkennia”				-	-	-	-	”
“Claragh”				-	-	-	-	19

“ publ. Registrum Ossorien [sem] principal[em].” The Bishop of Clogher was John Stearne. In reference to Connell, see page 220.

¹ Bishop Lederede. This “taxation” appears to have been made circa A.D 1306.

"Siller"	-	-	-	-	-	-	196
"Agthour"	-	-	-	-	-	-	"
"Odogh"	-	-	-	-	-	-	20
16. "Taxacio redditus et proventus temporalium Ossorie Episcopi et aliorum religiosorum facta per subcollectores et per dictum Episcopum ac ipsos religiosos juratos"	-	-	-	-	-	-	206
"Decanatus de Aghebo"	-	-	-	-	-	-	21
17. "Nova taxacio episcopatus Ossoriensis post guerram Scottorum:" Bishop Lederede's New Taxation of diocese of Ossory, by the King's command, circa A.D. 1320, after the war with the Scots.—Appendix II.	-	-	-	-	-	-	216
18. "Copia procuracionum, secundum quam copiam Venerabilis Pater et Dominus, Johannes, ¹ Dei gracia Archiepiscopus Dublin levavit procuraciones suas in dyocesi Ossoriensi tempore visitacionis sue ibidem incipientis in crastino Animarum anno Domini millesimo ccc quinquagesimo primo. Et recepit duplicatas procuraciones communiter, gratiam faciens quibusdam de quarta porcione. Eodem modo fecit Alexander ² predecessor suus, Archiepiscopus, duplicando istas procuraciones, ³ nullam gratiam faciens in visitacione sua: a quo exstitit appellatum propter extorcionem injustam contra jura"	-	-	-	-	-	-	246
"Procuraciones Domini Episcopi Ossoriensis in decanatu de Aghebo"	-	-	-	-	-	-	"
"In decanatu de Agthour"	-	-	-	-	-	-	"
"In decanatu de Odogh"	-	-	-	-	-	-	25
"In decanatu de Siller"	-	-	-	-	-	-	256
"In decanatu de Claragh"	-	-	-	-	-	-	"
"In decanatu de Obargoun"	-	-	-	-	-	-	26
"In decanatu de Kenlys"	-	-	-	-	-	-	"
"In decanatu de Ouerk"	-	-	-	-	-	-	266
"Procuraciones ecclesie cathedralis Ossoriensis et monasteriorum religiosorum virorum Ossoriensis dyocesis ab infra"	-	-	-	-	-	-	"
"Sinodalia Domini Episcopi Ossoriensis"	-	-	-	-	-	-	27
"Processionalia Domini Episcopi Ossoriensis"	-	-	-	-	-	-	"
"Summa totalis procuracionum Synodaliū et Processionalium lxxx.li. xii.s. iii.d. et quadrans"	-	-	-	-	-	-	"
"Memorandum quod de supradictis ecclesiis multe sunt vaste, que non possunt procurare"	-	-	-	-	-	-	"
18A. "Beneficia religiosorum in dyocesi Ossoriensi:"	-	-	-	-	-	-	276
"In primis: Prior de Kenlys"	-	-	-	-	-	-	"
"Prior Sancti Johannis, Kilkennie"	-	-	-	-	-	-	"
"Prior de Instyok"	-	-	-	-	-	-	"
"Abbatissa de Kilkilhyñ"	-	-	-	-	-	-	"

¹ John de St. Paul, Archbishop of Dublin, A.D. 1349-1362.

² Alexander de Bicknor, Archbishop of the same see, A.D. 1317-1349.

³ Pope Clement VI., in a letter addressed from Avignon, in April 1347, to Richard FitzRalph, Archbishop elect of Armagh, referred as follows to the charges made by Bishop Lederede against De Bicknor, Archbishop of Dublin, in relation to the procuraciones levied as above stated in the diocese of Ossory:—"Quod in gravamen ipsius Episcopi [Lederede], absque aliqua causa rationabili, civitatem et dyocesim Ossoriensem, annis singulis visitans ab ejusdem Episcopi subditis et locis eorum procuraciones duplices extorserat et etiam extorquebat et alias dictos subditos gravaverat multipliciter et indebite et gravabat." "Veterum Monumenta Hibernorum et Scottorum," 1864, p. 287.

ARCHIVES OF
THE SEE OF
OSSORY.

	Fol.
"Prior de Athesil" - - - - -	28
"Prior de Kilmaynan" - - - - -	"
"Abbas Sancti Thome, Dublinie" - - - - -	"
"Abbas Sancti Augustini, Bristoll" - - - - -	"
"Abbas de Dowysky" - - - - -	"
"Prior de Aghmacart" - - - - -	"
"Prior de Fertkeragh" - - - - -	"
"Abbas de Jeriponte" - - - - -	"
"Canonici Exonienses in Anglia" - - - - -	"
"Prior Sancte Katerine, Waterfordie" - - - - -	"
"Et licet beneficia religiosorum ita fuerunt quondam prout supra scribitur, tamen in anno Domini millesimo tricesimo et nonagesimo sexto, quidam religiosi acquisiverunt diversas ecclesias de novo, et quidam eorum per negli[gentiam] quasdam ecclesias perdididerunt ad tempus, et sicut obtinuerunt possessiones earundem ita infra continetur:" - - - - -	"
"Abbas de Jeriponte; ecclesia de Rowyr;	
"Ecclesia de Blanchvileston; Monasterium Sancti Johannis Kilkennie."	
19. "Capitula Magne Carte": Headings of thirty-four sections of Magna Carta of Henry III., commencing "De libertatibus Ecclesie" ending "De scutagio capiendo" - - - - -	28b
20. "Redditus episcopatus Ossoriensis"—nine lines - - - - -	"
21. Magna Carta of Henry III.: Inspeximus by Edward I.: "[E]dwardus, Dei gracia Rex Anglie, etc. Inspeximus magnam cartam Domini Henrici, quondam Regis Anglie, patris nostri, de libertatibus Anglie in hec verba: Henricus, Dei gracia Rex Anglie, etc.: Sciatis nos, intuitu Dei et pro salute anime nostre, etc.—Teste, Edwardo, filio nostro, apud Westmonasterium undecimo die Octobris anno regni nostri vicesimo quinto [A.D. 1297]" - - - - -	29
22. Second Statute of Westminster, 13 Edward I. [A.D. 1284–5]	31
23. Statute: "Circumspecte agatis de negocio tangente Dominum Episcopum Norwycensem et ejus clerum."—34 Edward I., A.D. 1285 - - - - -	44
24. "Novi articuli," commencing: "Pur ceo qe les poyntz de la graunte chartre des fraunchises et la chartre de la forest les queux le Roy Henry pere le Roy qore est graunta a soun poeple," etc.—28 Edward I., A.D. 1299–1300 - - - - -	44b
25. "Articuli cleri:" Statute of Edward II.: "Edwardus, Dei gracia, etc. Sciatis quod cum dudum temporibus progenitorum nostrorum quondam Regum Anglie, etc.—Teste, me ipso, apud Eboracum, xiii. die Novembris, anno decimo [A.D. 1319]" - - - - -	47b
26. Ordinances and statutes at Dublin and Kilkenny for the general benefit of the land of Ireland.—25 Edward III. [A.D. 1351.]—French.—Appendix VII. - - - - -	49b
27. Part of statute in French on merchandize, etc. ¹ - - - - -	54
28. Writ from James le Botiller, Earl of Ormonde, Justiciary of Ireland, to the Sheriff of the "Cross" of Kilkenny and Seneschal	

¹ A portion of the Ms. between the leaves numbered 53 and 54 is missing. See page 220.

	Fol.	ARCHIVES OF THE SEE OF OSSORY.
of the Liberty of Kilkenny, on non-observance of law by persons of English race in Ireland; prohibition against relations with the Irish and the use of their language, etc.—Dublin, 3 February, 34 Edward III. [A.D. 1359–60.]—Appendix VIII.	55	
29. Statute of labourers, 35 Edward I., A.D. 1306–7 : “Il semble pur la commune profit de aiouster en la commission nadgers faite denquer des servauntez les choses southescripts cest asavoir qe chareteres, chareurs, chasours de carues, berchers, porchers, deies, et tous altres servauntz prignants liveresouns et lowers acustumez,” etc. ¹	55b	
30. Conclusion of statute in French, relative to sale of merchandize in England	56	
31. Act, A.D. 1379–80, against absentees holding lands, rents and offices in Ireland.—French.—Appendix X.	56b	
32. Statement by Oliver [Cantwell], Bishop of Ossory, in connection with attestations as to rights of his tenants in the Irish town, Kilkenny.—25 October, 1510.—Incomplete.—Appendix XIII.	57	
33. Taxation of diocese of Ossory	57b	
34. Writ of Edward III., in relation to government of Ireland.—Dated at Westminster, 5 October, twenty-first year [A.D. 1347] : “Edwardus, Dei gracia, etc. Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ministris nostris, tam majoribus quam minoribus, et quibuscunque aliis de terra nostra Hibernie fidelibus nostris, ad quos presentes litere pervenerint, salutem : Quia ex frequenti fidedignorum insinuacione accepimus quod terra nostra Hibernie, ecclesieque Hibernicana, ac clerus et populus ejusdem nobis subditi ob defectum bone regiminis ac per negligenciam et incuriam ministrorum regiorum ibidem, tam majorum quam minorum, hactenus turbati fuerunt multipliciter et gravati,” etc.	58	
35. Memoranda on taxation of parts of diocese of Ossory : Claragh, Obarcon, Kenlys.—Circa A.D. 1510	62	
36. Treatise on Aqua-vitæ.—Appendix V.	62b	
37. Tract on waters, “aqua rubicunda,” etc.	64b	
38. Memoranda on rents from parts of diocese of Ossory	65b	
32. Verses in French on the proverbs of the Sibyl, with Latin extracts.—Appendix IV.	66	
40. Taxation of Deaneries and churches of Ossory ²	68	
41. Letters Patent from Queen Elizabeth, dated 14 February, 1582, on Chancery decree in relation to payments by city of Waterford, out of Abbey of Kilkellethin to Bishop and Archdeacon of Ossory	69b	
42. Verses ascribed to Richard Lederede, Bishop of Ossory.—Appendix III.	70	
43. Memorandum, A.D. 1416, on admission of John Prous to vicarage of Thomastown, by Thomas Snell, Bishop of Ossory	77	
44. Taxatio diocesis Ossorie : Note on valuation of eight deaneries	„	

¹ A leaf, or leaves, cut away here.

² Fol. 68 consists of a slip of parchment, twelve inches in length and about four in width. At head is a partly obliterated entry “Nomina herbarum [pro] potatione.”

ARCHIVES OF
THE SEE OF
OSSORY.

	Fol.
45. Agreement by Michael, Dean of St. Canice, Kilkenny, in relation to vestments.—Appendix XI. - - -	776.
46. Agreement between Thomas Barry, Bishop of Ossory, and Walter Syrlok, Seneschal of Earl of Ormonde, relative to mill and water, "que vulgariter vocatur bakwater."—16 June, 1430 -	"
47. Survey of the Irish town, Kilkenny, A.D. 1398.—Appendix XII. - - -	"
48. "Modus faciendi nectar."—Appendix VI. - - -	78.
49. Entry, 9 May 1416, in reference to appeal by John Grace, against sentence by Thomas [Snell], Bishop of Ossory.—Partly obliterated - - -	78.
50. Memorandum, 29 May 1416, on procuration by Philip O'Kennedy for parish church of Rowyr.—Partly obliterated -	"
51, 52. Two obliterated memoranda - - -	"
53. Note of nine lines on taxations of deaneries - - -	79.
54. Memorandum: "Ther is in this book lxxui leaves and a half-leaffe, accomptyng this . . . Notyd the xuii of July, 1577. William Gerrarde, ¹ Canc." - - -	"

I.

fol. 6.

SYNODAL CONSTITUTIONS FOR DIOCESE OF OSSORY, CIRCA A.D. 1320.

"Hic incipiunt Constitutiones² Sinodales ecclesie Ossoriensis.

"In Dei nomine, Amen. Zelo sanctitatis et ecclesie sancte Dei, ac Sancti Cannici Ossoriensis, cujus licet immeriti sponsus non mediocriter accensi, ut juxta verbum prophete dicere valeamus, Tota pulchra es, amica mea, et macula non est in te:

"Subscripta statuta synodalia ad mundiciam et sanctitatem universalis ecclesie, episcopatus Ossoriensis, Divina gracia adjuti et suffulti, presentis synodi auxilio, et concilio confratrum Canonicorum dicte ecclesie Sancti Cannici, auctoritate ordinaria, duximus ordinanda in Domino Jesu Christo.

"Firmiter credimus, et specialiter confitemur, quod unus est solus Deus, verus, omnipotens, eternus, immensus, incommunicabilis, incomprehensibilis, Pater, et Filius, et Spiritus Sanctus; tres quidem persone, sed una essentia, substantia, seu natura, simplex omnium, etc. prout in articulis fidei plenius continetur.

"Super quibusdam quidem articulis volumus, et districte precipiendo mandamus omnibus subditis nostris, quatenus, si quempiam contra articulos fidei delinquentem vel dogmatizantem in dyocesi Ossoriensi sciverunt, vel scire poterint infuturum, extunc ut exnunc, ipsum de nomine delinquentis, et modo culpe certificare non omittant infra mensem a tempore scientie computandum, sicut Divinam voluerint effugere ulcionem.

"De consecracione et reconciliacione ecclesiarum.

"Presentis Synodi approbatione precipimus quod conventuales et parochiales ecclesie tocius Ossoriensis dyocesis non dedicate, sive rurales,

¹ Chancellor of Ireland, A.D. 1575-80.

² In relation to the transcript, which he used, of this document, David Wilkins wrote as follows: "Constitutiones has ex Libro Rubro Ossoriensi in custodia "Episcopi Ossorien, transcribi fecit Tho. Ottaway [Otway], Episcopus Ossoriensis, "anno Dom. M.D. CLXXXVI. in usum Episcopi Midensis. Richardus Ledrodus "juxta Waraeum anno Dom. M.CCCXVIII., Avinione consecratus est; sub cujus "episcopatus anno secundo Constitutiones collocamus."—"Concilia Magnae Britannie et Hiberniae," vol. ii. p. 501. London: 1737.

sive prebende, aut dignitatibus vel prebendis sint annexe, cum earum cimeteriis, necnon capelle, proprios rectores habentes, que jam perfectis parietibus sunt constitute, et precipue majora altaria in eisdem infra sex mensium spacium, a proximo preterito festo Sancti Michaelis computandum, ad consecrandum sufficienter preparentur et honeste. Eas autem Rectores earum, et parochiani infra idem tempus, procurent consecrari, ac etiam consecratas ecclesias, si violate fuerint, reconciliari infra idem tempus, sub pena quadraginta solidorum elemosine Episcopo,¹ una cum procuracionibus suis ad hoc faciendum solvendorum pro qualibet ecclesia, capella, vel cimeterio non dedicato. In ecclesiis vero dedicatis annus et dies dedicacionis earum et nomen, in cujus honorem dedicatur, cum nomine dedicantis, et numero dierum indulgentie in consecracione concessa, distincte et aperte, circa majus altare, in loco ad hoc idoneo, conscribantur, ut anniversaria dies dedicacionis a parochianis memoretur, et reverenter annis singulis solempniter ferianda. Alias ferianda observetur."

"De residencia facienda in ecclesia curata.

fol. 6b.

"Cum ecclesiastica sacramenta in parochialibus ecclesiis per eos, quibus cura animarum, si in ipsis inibi a diocesano committitur, secundum justiciam tractari debeant et dispensari; nos, felix recordacionis Bonifacii Pape Octavi vestigiis inherentes, statuendo precipimus, quod omnes et singuli beneficia ecclesiastica, quibus cura animarum est annexa, in dyocesi Ossoriensi obtinentes, nondum in presbiteros ordinati, infra annum a tempore publicacionis presencium, ad omnes sacros ordines, quos beneficiorum suorum cura requirit, statutis a jure temporibus se faciant promoveri, ad sacramenta ecclesiastica ministranda ut tenentur; et ad hoc in suis beneficiis residenciam faciant corporalem, nisi a jure vel ab homine cum ipsis fuerit super hoc legitime dispensatum, sic ut penas contra non residentes sancitas alias canonicas voluerint evitare.

("Ad quam residenciam incontinenti faciendam, nos, Episcopus Ossoriensis, omnes hujusmodi beneficia obtinentes monemus primo, secundo, et tercio, sub pena privacionis.²)

"De residencia facienda, et juramento Vicariorum.

"Ad vicariam perpetuam, curam animarum habentem, statuimus nullum de cetero fore admittendum, nisi jam in presbiterum ordinatum, vel saltem diaconum, vel sub-diaconum, in proximis quatuor temporibus in presbiterum ordinandum; qui renunciatis aliis beneficiis, si que habeat, juret residenciam facere continuam in eadem³ et corporalem, et faciat, ut jurabit; alioquin institutionem illius decernimus fore nullam, et vicariam alii fore conferendam juxta sanctorum patrum sanctiones."

* * * * *

"Si vero contra hoc statutum aliqua vicaria, sive mansus, vel aliud fol. 7b. beneficium ecclesiasticum laicis vel clericis ad firmam sit tradita vel dimissa, nos, de expresso consensu Capituli ecclesie Sancti Cannici et majoris partis cleri dyocesis Ossoriensis, terciam partem proventuum omnium hujusmodi beneficiorum, sive clericis sive laicis, sine licencia Episcopi sic de facto ad firmam traditorum, decernimus in hiis scriptis fabrice majoris ecclesie cathedralis Ossoriensis et elemosine Episcopi pro equali porcione modis omnibus applicandam. (Decernentes hujusmodi firmas ipso jure nullius fore momenti, quodque hujusmodi firmas tradentes et recipientes ipso facto vinculo majoris excommunicacionis sint innotati.)"⁴

¹ *Episcopo*] Episcopi, Ms.

², ⁴ The passages within parentheses are in writing somewhat different from that in the preceding portion of the section.

³ *eadem*] eandem, Ms.

ARCHIVES OF
THE SEE OF
OSSORY.

fol. 8b.

* * * * *

"De Sancta Synodo, et lectura statutorum."

"Nos, insuper, Frater Ricardus, Dei et Apostolice Sedis gracia Ossoriensis Episcopus, omnia et singula hujusmodi statuta synodalia de expresso consensu majoris et sanioris partis Capituli ecclesie cathedralis Sancti Cannici Ossoriensis dyocesis ordinata, de assensu majoris partis cleri totius dyocesis Ossoriensis statuimus ac decernimus, et in virtute sancte obediencie districte precipimus, et mandamus ab omnibus subditis nostris per totam dyocesim Ossoriensem firmiter et inviolabiliter perpetuis temporibus observari, et etiam in Sancta Synodo per Episcopum, vel Archidiaconum, aut officialem Episcopi, cum previa propositione verbi Dei in hac ecclesia cathedrali Sancti Cannici, die Martis proximo post festum Sancti Michaelis, quolibet anno semel solempniter celebranda, de verbo ad verbum recitari; delinquentes vero contra hujusmodi statuta, ubi certa pena non est imposita arbitrio Ordinarii, decernimus in his scriptis fore puniendos: singuli quoque Decani rurales transcriptum eorundem infra mensem proxime futurum, et extunc infra sex menses, Rectores et Vicarii dicte dyocesis per Decanos sibi fieri procurent, ac in suis ecclesiis salvo custodiant ad perpetuam rei memoriam, et instructionem successorum."

fol. 8b.

* * * * *

"De immunitate ecclesiarum, et jurisdictionem ecclesiasticam impediens."

"Ab exordio cultus Divini inter homines, sacerdotes et pontifices fuisse legimus erga populum in sanctificatione et honore, ut patet in Melchisedeck, Aaron, filiis, et eorum successoribus. Pagani eciam et gentiles, et Saraceni in sectis suis, sacerdotes et pontifices pre ceteris colere solent et honorare, ut patet in Alcorano et eorum libris. Nam magnificus ille mundi monarcha Alexander, videns Saddam pontificem sibi occurrentem, nomen Dei portantem in fronte, pronus in terram procidens adoravit eum[que] privilegiis et muneribus multipliciter adornavit. Sed et Constantinus Imperator in pleno Concilio Generali minorem sacerdotem pontificali dignitate insignitum ante se pretulit, et tanquam iudices animarum Episcopos ceteris mortalibus censuit preferendos, cujus successores omnes, Imperatores, Reges, et Principes Catholici Episcopos, tanquam patres eorum spirituales, et eorum ecclesias donis, libertatibus, possessionibus eciam variis et magnis, que Christi et Ecclesie patrimonium appellantur, magnifice dotaverunt. Sed et Dominus noster Jesus Christus, Rex regum, et Dominus dominancium, Summusque Pontifex, Episcopos successores Apostolorum instituit, claves Ecclesie, potestatem solvendi atque ligandi, et sacramentorum administracionem eisdem commisit, per quos, et quorum manus, gracia Spiritus Sancti ad salutem animarum in clero pariter et populo per mundum transfunditur universum. Ex quibus concluditur, quod omnis gens, omnis status, omnis secta Episcopos et sacerdotes Dei solet honorare. Sola tamen quedam gens pestifera novella in quibusdam partibus nostris, ab aliis terre fidelibus discrepans, spiritu diabolico plena, ab secta omnium Dei cultorum exorbitans, gentilibus et Judeis crudelior, Episcopos, sacerdotes Dei Summi, prosequitur in vita pariter et in morte, spoliando et lacerando Christi patrimonium in dyocesi Ossoriensi, Dominicam incurrando maledictionem, quorum maliciis, que plus solito invaluerunt et invalescunt, cogimur, ut possimus, obviare."

fol. 9a.

"Adhec cum dispensacio clavium ecclesie, quas Christus Apostolis commisit, et Episcopis eorum successoribus, commode exerceri non possit sine ecclesiastica jurisdictione, per quam extirpantur vicia et inseruntur virtutes; nonnulli tamen iniquitatis filii subditi nostri, in-

stinctu quodam diabolico, Episcopis, et eorum ministris, jurisdictionem ecclesiasticam secundum canonica instituta exercentibus, minas machinantur et intentant gravissimas, ad indictandum, vexandum, intractandum, et imbrigandum in curiis secularibus; ac per hoc impedire nituntur correctiones peccatorum, et salutem animarum, in contemptum Dei et ecclesie, et cumulum proprie dampnationis eterne: super quo de speciali remedio statuere compellimur et ordinare.

“Nos, igitur, de unanimi consensu Capituli nostri, necnon totius cleri in plena synodo constituti, statuimus et ordinamus quod quicumque persone Episcopi violenciam intulerit aut scandalum; quicumque etiam Episcopum, sacerdotem, Rectorem, Vicarium, seu clericum bonis spoliaverit, mobilibus sive immobilibus, ubicunque, in vita vel in morte; omnes et singuli, qui in maneriis episcopalibus Episcopum spoliaverint bladis, animalibus, vasis, utensilibus, seu aliis bonis quibuscunque, lacerando domos, prescidentes sylvas, destruendo cunicularia, pascua, et vivaria, seu quecunque alia bona ad Christi et Ecclesie patrimonium pertinencia; omnes etiam jurisdictionem episcopalem impediunt, indictantes maliciose, et interminantes Episcopum, et ministros jurisdictionis sue propter exercitium ejusdem infra suam dyocesim, ad corrigendum peccata, et ad hoc, vel aliquod premissorum auxilium prestiterint, concilium, vel favorem, ipso facto sint excommunicati excommunicatione majore; a qua non possunt absolvi, nisi prius facta plenaria restitutione ablatorum, et de offensa ecclesie sufficienti satisfactione et emenda. Insuper, quia juris ordo et rationis hoc requirit, ut in quo quis deliquerit in eo puniatur, ordinamus et statuimus quod supradicti nequitiorum filii omnes et singuli Ecclesiam Dei spiritu diabolico impugnantes, una cum excommunicatione predicta, omni careant ecclesiastica libertate et immunitate, tam in personis quam in bonis, in vita pariter et in morte sint eorum persone infames et intestabiles, et ecclesiastica careant penitus sepultura.

“Inhibemus etiam districte omnibus et singulis sacerdotibus, sub pena excommunicationis majoris, ne quemquam ex supradictis nequitiis filiis admittant post mortem ad ecclesiasticam sepulturam, propter favorem quemcunque seu cujuscunque. Quod si forte contigerit ignoranter, statim agnita veritate corpus illud putridum faciat exhumari, et membra illa diabolica extra sanctuarium in sterculinum projici; ut discant alii quanti sit demeriti ministros Christi et Ecclesiam Dei prosequi, quam Ipse sanguine proprio redemit, et univit sibi sponsam, fol. 96. cujus Ipse Caput¹ est, nosque membra ejus. Quod si secus actum sit, ecclesiam ipsam et cimiterium ecclesiastico supponimus interdicto, donec illud corpus maledictum a societate Christianorum projectum sit et abjectum.”

* * * * *

“Sentencia generalis.”

fol. 10.

“Ex auctoritate Dei Patris, Filii, et Spiritus Sancti, necnon et Sancte Dei Genitricis Marie, et beati Michaelis Archangeli, et omnium celestium Virtutum, atque Patriarcharum, et Prophetarum, et Sancti Johannis Baptiste, atque omnium sanctorum, Apostolorum Petri et Pauli, et Stephani, prothomartiris Christi, atque omnium Martirum, Sancti Cannici, et beatorum Kerani et Francisci, Confessorum, et sanctarum Virginum, simulque omnium Sanctorum auctoritate, excommunicamus, atque a liminibus Sancte Matris Ecclesie sequestramus, omnes illos qui maliciose hanc

¹ Caput] capud, Ms.

ARCHIVES OF
THE SEE OF
OSSORY.

ecclesiam Sancti Cannici, vel aliquas ecclesias Ossoriensis dyocesis suis juribus vel libertatibus inquietant, molestant, et defraudant, aut earum possessiones terrarum, vel libertatum, vel res, quas juste possident, fraudulenter invadere nituntur, seu injuste per seculi potenciam, vel cautelas auferre contendunt infuturum, ablatasque detinent publice vel occulte, necnon omnes et singulos, qui ipsis in premissis opem, consilium [vel] auxilium prestant vel favorem, omnes eciam fractores ecclesiarum, seu domorum ecclesiasticorum incendiarios, sacrilegos, sortilegos, publicos hereticos, usurarios, Ecclesie Dei et terre pacis perturbatores, sequestri ecclesiastici violatores, occultos et publicos detentores decimarum, et bonorum mobilium ab intestato decedencium post sequestrum in eisdem auctoritate ordinaria appositum, regiasque prohibiciones in causis testamentariis seu matrimonialibus, vel mere spiritualibus in ecclesiastice jurisdictionis elusionem temere impetrantes, et precipue omnes illos qui de domibus, maneriis, grangiis, vel aliis locis ad episcopatum Ossoriensem, vel ad aliquam ecclesiam Ossoriensis dyocesis pertinentibus, quicquam de bonis mobilibus preter voluntatem aut permissionem dominorum, vel eorum qui sunt hujusmodi rerum custodes, deputati auferunt, spoliant, abducunt, asportant, et detinent publice vel occulte, seu qui hujusmodi iniquitatis filii opem, consilium, auxilium prestant audaciam vel favorem, sint a Deo et beata Maria Virgine, omnibus Sanctis Dei, et nobis maledicti, interius et exterius maledicti, in via maledicti, in agro maledicti, in civitate maledicti, in domo et extra domum maledicti, egredientes et regredientes maledicti, manducando, bibendo, dormiendo, et vigilando, stando atque sedendo, et quicquid operis sive in bello, sive in pace faciendo. Deleantur de libro vivencium, et cum justis non scribantur, fiat habitacio eorum deserta, in habitaculis eorum non sit qui habitat, obscurentur oculi eorum ne videant, et dorsa eorum curvantur. Effunde, Domine, super eos iram tuam, et furor ire tue comprehendat eos; appone iniquitatem super iniquitatem eorum, et non intrent in justiciam tuam; fiat mensa eorum ceram ipsis in laqueum, et in retributiones et scandalum; scrutetur fenerator omnem substanciam eorum; et diripiant alieni labores eorum; et quia dilexerunt maledictionem, veniat ad eos; et noluerunt benedictionem, et elongabitur ab eis; fiant dies eorum pauci, et possessiones eorum accipiant alteri; fiant filii eorum orphani, et uxores eorum¹ vidue; Deus conterat dentes eorum, et lingue eorum nunquam loquentur sapienciam; sitque pars et societas eorum cum Dathan at Abiron, cum Saphira et Anania, cum Juda et Pilato, cum Simone et Nerone; et sicut extinguuntur iste lucerne, ita claritas lucis visionis Dei ipsis extinguatur, et anime eorum, qui hujusmodi maleficia fecerint seu faciant infuturum, cadant in infernum cum Diabolo et ministris ejus, nisi a commissis resipiscant, et ad emendacionem congruam veniant. Fiat, fiat." Amen.

"Precipimus insuper quod hujusmodi sententia excommunicacionis per omnes Rectores, Vicarios, seu presbiteros parochiales dyocesis Ossoriensis in singulis ecclesiis suis semel in quolibet quarterio anni coram clero et populo, cum major fuerit multitudo populi in ipsis ecclesiis, inter missarum solempnia, pulsatis campanis, candelis accensis, solempniter publicetur, de verbo ad verbum, recitetur in lingua materna, sub pena excommunicacionis, quam non facientes incurrere volumus ipso facto."

fol. 10b.

¹ eorum] ejus, Ms.

IA.

ARCHIVES OF
THE SEE OF
OSSORY.

PARTLY OBLITERATED ENTRY IN RELATION TO RICHARD LEDEREDE,
BISHOP OF OSSORY.

“Memorandum quod anno Domini millesimo ccc^o sexto decimo, trans- fol. 10b.
lato Willelmo Episcopo Ossoriensi, quarto die post festum Annuncia-
cionis beate Virginis, ad archiepiscopatum Cassellensem, frater Ricardus
de Ledred de ordine Minorum, de Anglia oriundus, per Sedem Aposto-
licam factus est Episcopus Ossoriensis pro illo subsequenter, qui admis-
sus a rege temporalibus erat, traditis et literis Apostolicis Archiepiscopo
Dubliniensi, et capitulo suo, Kilkennie publicatis, celebrata inauguratione
sua apud Kilkenniam, convocato capitulo et clero totius diocesis synodum
solempnem in octavis beati Michaelis sequentis celebravit et statuta
synodalia supradicta per eum facta publicavit et de consensu capituli et
cleri publice statuit observari. Qua synodo celebrata . . . maneria
episcopalia fuerunt de[structa per] guerram Scotorum et ut (four lines
obliterated) et viri religiosi occupant . . . Ideo exiliter responsum est
episcopo de beneficiis supradictis. Acta sunt hec die et loco supradictis.”

II.

TAXATION OF DIOCESE OF OSSORY BY BISHOP RICHARD LEDEREDE [CIRCA A.D. 1320].

[From "Red Book of Ossory," ff. 21*b*.—24.]

"Nova taxacio episcopatus Ossoriensis, post guerram Sctorum, facta per Episcopum Ricardum per mandatum Domini Regis,

PRIMO: IN DECANATU DE KENLYS.

Taxacio.	Decima.	Procuracio duorum denariorum de marca.
Ecclesia de Kenles	-	Procuracio - xv.d.
Ecclesia de Callan cum membris	-	" - viii.s. iiii.d.
Ex parte vicarii	-	" - ii.s.
Ecclesia de Erleyeston	-	" - xviii.d.
Ex parte vicarii ejusdem	-	" - vi.d.
Ecclesia de Maillardeston	-	" - ix.d.
Ex parte vicarii ejusdem-nichil, propter onera.	-	" -
Ecclesia de Ragulby	-	" - vi.d.
Ecclesia de Lomoc	-	" - vi.d.
Ecclesia de Kilmegen	-	" - xv.d.
Ecclesia de Kilkiril	-	" - iiii.d.
Ecclesia de Killknedý	-	" - vi.d.
Ex parte vicarii-nichil, propter onera.	-	" -
Ecclesia de Stamacarthý	-	" - vi.d.
Capella de Dengylmor	-	" - iiii.d. ob.
Ecclesia de Jeryponte	-	" - xv.d.
Ex parte vicarii	-	" - vi.d.

III.—TAXATION OF DIOCESE OF OSSORY, CIRCA A.D. 1320.
PRIMO: IN DECANATU DE KENLYS—concluded.

Taxacio.	Decima.	Procuracio duorum denariorum de marca.
Capella de Donyngan	-	Procuracio -
Ecclesia de Kilry	-	" -
Capelle de Derynch et Kiltorean	-	" -
Ecclesia de Kilbecok ex parte Prioris de Kenles	-	" -
Ex parte Prioris de Instyok	-	" -
Ecclesia de Killagh	-	" -
Ex parte vicarii-nichil, propter onera.	-	" -
Ecclesia de Rossenan	-	" -
Ecclesia de Aghebillir	-	" -
Ex parte vicarii	-	" -
Capella de Lysmooyagh-nichil, propter onera	-	" -
Ecclesia de Ballagh	-	" -
Ecclesia de Cnoctofr	-	" -
Ex parte vicarii-nichil, propter onera.	-	" -
Ecclesia de Shorthaleston	-	" -
Ecclesia de Balyngeragh	-	" -
Capella Castri Erleye	-	" -
Ecclesia de Insnak	-	" -
Ecclesia de Killamerý cum membris	-	" -
	Summa decime x.lii.iii.s. iiid.	Summa procuracionum xxv.s. viii.d.
In decanatu de Obargon.		
Ecclesia de Thomaston	-	Procuracio -
	decima vi.s.	ix.d.

II.—TAXATION OF DIOCESE OF OSSORY, CIRCA A.D. 1320.
IN DECANATU DE OBARGON—concluded.

Taxatio.	Decima.	Procuratio duorum denariorum de marca.
Ex parte vicarii -	- xxx.s.	iii.d. ob.
Ecclesia de Instyoke -	- xxx.s.	iii.d. ob.
Ecclesia de Colmekille -	- lx.s.	ix.d.
Ecclesia de Balyfassath -	- x.s.	i.d. ob.
Ex parte vicarii-nichil, propter onera.	-	-
Ecclesia de Kylcolme -	- xxx.s.	iii.d. ob.
Ex parte vicarii -	- x.s.	i.d. ob.
Ecclesia de Lesterglyn tota -	- xx.s.	iii.d.
Ecclesia de Rowyr -	- xl.s.	vi.d.
Ecclesia de Dromdowny -	- xx.s.	iii.d.
	Summa decime xxxi.s.	iii.s. x.d. ob.
IN DECANATU DE QUERK.		
Ecclesia de Inyllhaght -	- xxx.s.	iii.d. ob.
Ecclesia de Clonynyl -	- xx.s.	iii.d.
Ecclesia de Fydoun cum membris -	- vi.li.	xviii.d.
Ex parte vicarii -	- lv.s.	ix.d.
Ecclesia de Beauln -	- xxx.s.	iii.d. ob.
Ecclesia de Polnestoly -	- xv.s.	ii.d. quad.
Ex parte vicarii-nichil.	-	-
Ecclesia de Balytarsyn -	- x.s.	i.d. ob.
Ecclesia de Castlan -	- x.s.	i.d. ob.
Ecclesia de Maculy -	- xxx.s.	iii.d. ob.

II.—TAXATION OF DIOCESE OF OSSORY, CIRCA A.D. 1320.
IN DECANATU DE OUEK—concluded.

Taxacio.	Decima.	Procuracio duorum denariorum de marca.
Ecclesia de Dunkyt	-	Procuracio - ix.d.
Ex parte vicarii	-	" - iii.d.
Ecclesia de Kilmaboy	-	" - ix.d.
Ex parte vicarii-nichil.	-	-
Ecclesia de Carcoman	-	" - vi.d.
Ecclesia de Kilkylehyn	-	" - i.d.
	Summa decime li.s. ii.d.	Summa procuracionum. vi.s. iii.d.
IN DECANATU DE KILKENNY.		
Ecclesia Beate Marie	-	Procuracio - xii.d.
Ecclesia Beati Patricii	-	" - xviii.d.
Ecclesia Sancti Johannis	-	" - vi.d.
Ecclesia Sancti Cannici	-	" - iii.d. ob.
	Summa decime xxvii.s.	Summa procuracionum iii.s. iii.d. ob.
IN DECANATU DE CLARAGH.		
Ecclesia de Blauncheuyleston	-	Procuracio - iii.d. ob.
Ecclesia de Dromyrtre	-	" - iii.d. ob.
Ex parte vicarii	-	" - i.d. ob.
Ecclesia de Tylagh tota	-	" - ii.s. vi.d.
Ecclesia de Dungarvan	-	" - xv.d.
Ex parte vicarii	-	" - vi.d.
Ecclesia de Kilmedymoke	-	" - i.d.

Taxacio.	Decima.	Procuracio duorum denariorum de marca.
Ecclesia de Claragh	- lx.s.	- ix.d.
Ex parte vicarii	- xx.s.	- iii.d.
Ecclesia de Kilfan	- iv.li.	- xii.d.
Ecclesia de Madokeston	- xxx.s.	- iii.d. ob.
Ecclesia de Fynel	- xxx.s.	- iii.d. ob.
Ex parte vicarii-nichil.	-	-
Ecclesia Sancti Martini, ex parte prebendar'	- xx.s.	- iii.d.
Ex parte vicarii	- lx.s.	- ix.d.
Ecclesia de Rathcoull	- c.s.	- xv.d.
Ecclesia de Tascoghyn	- xl.s.	- vi.d.
Ecclesia de Kilmelag	- xxx.s.	- iii.d. ob.
Ecclesia de Tredynston	- x.s.	- i.d. ob.
	Summa de- iii.li. ix.s. vii.d. cime.	Summa procuracionum xi.s. ii.d. ob.
IN DECANATU DE SILLER.		
Ecclesia de Balamarfy tota	- xl.s.	- vi.d.
Ecclesia de Incholhan	- xl.s.	- vi.d.
Ecclesia de Balyburry	- x.s.	- i.d. ob.
Ecclesia de Tylabrog	- iii.li.	- xii.d.

II.—TAXATION OF DIOCESE OF OSSORY, CIRCA A.D. 1320.

IN DECANATU DE SILLER—concluded.

Taxacio.	Decima.	Procuracio duorum denariorum de marca.
Ex parte vicarii	-	Procuracio -
Ecclesia de Kiltauin	- xx.s. - iii.li.	- iii.d. - xii.d.
Ex parte vicarii	- xxx.s.	- iii.d. ob.
Ecclesia de Kilmanagh	- vi.li.	- xviii.d.
Ecclesia de Kiltetheragh	- xx.s.	- iii.d.
Ecclesia de Drungelgyn cum capella	- xx.s.	- iii.d.
Ecclesia de Tylahany	- i. marca	- ii.d.
Ecclesia de Groweyn	- xl.s.	- vi.d.
Ecclesia de Dunfert	- lx.s.	- ix.d.
Ex parte vicarii	- xx.s.	- iii.d.
	Summa decime lix.s. iii.d.	Summa procuracionum vii.s. v.d.
IN DECANATU DE AGHTHOUR.		
Ecclesia de Donaghmore	- iii.li.	Procuracio -
Ecclesia de Aenacart	- xx.s.	- xii.d.
Ecclesia de Aghmylre	- xl.s.	- iii.d.
Ecclesia de Aghthour	- iii.li.	- vi.d.
Ecclesia de Tybribrytayne	- x.s.	- xii.d.
Ex parte vicarii-nichil.	-	- i.d. ob.
Ecclesia de Stafen	- xx.s.	-
Ecclesia de Clontybrit	- x.s.	- iii.d.
Ex parte vicarii-nichil.	-	- i.d. ob.

II.—TAXATION OF DIOCESE OF OSSORY, CIRCA A.D. 1320,
IN DECANATU DE AGHTHOUR—*concluded*.

Taxatio.	Decima.	Procuracio duorum denariorum de marca.
Ecclesia de Kyllagh	- xxvi.s. viii.d.	Procuracio - iii.d.
Ecclesia de Clomantagh	- l.s.	" - vii.d. ob.
Ex parte vicarii -	- x.s.	" - i.d. ob.
Ecclesia de Rathlohan	- xx.s.	" - iii.d.
Ecclesia de Fertkeragh	- xx.s.	" - iii.d.
Ecclesia de Couleassyn	- iiiii.li.	" - xii.d.
Ecclesia de Galmoy tota	- iiiii.li.	" - xii.d.
	Summa decime liiii.s. viii.d.	Summa procuracionum vi.s. x.d.
IN DECANATU DE ODOGH.		
Ecclesia castri de Odogh	- lx.s.	Procuracio - ix.d.
Ex parte vicarii -	- xx.s.	" - iii.d.
Ecclesia de Donaghmore	- lxvi.s. viii.d.	" - x.d.
Ecclesia de Rathill, i.e. grangia	- iiiii.li.	" - xii.d.
Ecclesia de Comyr	- viii.li.	" - ii.s.
Ecclesia de Macully, ex parte rectoris	- x.s.	" - i.d. ob.
Ecclesia de Mothill	- xl.s.	" - vi.d.
Ex parte vicarii -	- x.s.	" - i.d. ob.
Ecclesia de Donmore	- vi.li.	" - xviii.d.
Ex parte vicarii -	- x.s.	" - i.d. ob.
Ecclesia de Aghteyr	- iiiii.li.	" - xii.d.
Ex parte vicarii -	- xl.s.	" - vi.d.
Ecclesia de Rathbeath	- x.s.	" - i.d. ob.

II.—TAXATION OF DIOCESE OF OSSORY, CIRCA A.D. 1320.
IN DECANATU DE ODOGH—concluded.

Taxacio.	Decima.	Procuracio duorum denariorum de marca.
Ex parte vicarii-nichil.	—	—
Ecclesia de Mayn -	decima	Procuracio - xii.d.
Ecclesia de Culcahyh -	"	" - vi.d.
Ecclesia de Kilcolman -	"	" - xx.d.
Ecclesia de Rosconyl -	"	" - vi.d.
Capella de Kilmenhan -	"	" - iii.d.
Ex parte vicarii-nichil.	—	—
Ecclesia de Kilnekar -	vi.s. viii.d.	" - x.d.
Ex parte vicarii-nichil.	—	—
Summa decime cix.s. viii.d.		
Summa procuracionum xiii.s. viii.d.ob.		
IN DECANATU DE AGHEBO.		
Ecclesia de Aghebo -	decima	Procuracio - xii.d.
Ex parte vicarii-nichil.	—	—
Ecclesia de Offerlan -	x.s.	" - xv.d.
Ex parte vicarii -	ii.s.	" - iii.d.
Ecclesia de Bordwell -	iii.s.	" - vi.d.
Ecclesia de Rathdowny -	viii.s.	" - xii.d.
Ecclesia de Culkyr -	ii.s.	" - iii.d.
Ecclesia de Donaghmore -	ii.s.	" - iii.d.
Summa decime xxxvi.s.		
Summa tax- xxxiii.li. xxii.d.		
ate decime.		
Summa procuracionum iii.li. ii.s. xi.d.		
supradictarum. ob. quad.		

ARCHIVES OF
THE SEE OF
OSSORY.

ARCHIVES OF
THE SEE OF
OSSORY.

II.—TAXATION OF DIOCESE OF OSSORY, CIRCA A.D. 1320.—concluded.

SUMMA REDDITUM ET PROVENTUUM			
EPISCOPATUS OSSORIENSIS	-	-	liii.li. vi.s. viii.d.
UNDE DECIMA	-	-	cvi.s. viii.d.
Procuraciones	-	-	xiii.s. iiiii.d.
Decima Prioris de Instyok	-	-	xviii.s. viii.d.
„ Prioris de Fertkeragh	-	-	vi.s. viii.d.
„ [blank]			
„ Abbatis de Dowyskŷ	-	-	iiii.li. vii.s. vi.d.
„ Abbatis de Jeryponte	-	-	iiii.li. xvi.s. viii.d.
„ Abbatisse de Kilkylehyn	-	-	vi.s. viii.d.
„ beneficiorum Prioris de Kenlys			iiii.li. viii.s. viii.d.
Summa decime rectoris de Callan			v. marce.
Summa decime Prioris Sancti Johannis Kilkennie	-	-	xxxvi.s.
Prior de Aemacart	-	-	vi.s. viii.d.
Summa decime Episcopi et religiosorum			xxv.li. xi.s. vi.d. ob.
Summa summarum predictarum decimarum	-	-	lviii.li. xiii.s. iiiii.d. ob.

III.

VERSES ASCRIBED TO RICHARD LEDEREDE, BISHOP OF OSSORY.

Fol. 70.

“Nota : Attende, lector, quod Episcopus Ossoriensis fecit istas cantilenas pro Vicariis ecclesie Cathedralis, sacerdotibus et clericis suis, ad cantandum in magnis festis et sol[atiis] ne guttura eorum et ora Deo sanctificata polluantur cantilenis teatralibus turpibus et secularibus, et cum sint cantatores provident sibi de notis convenientibus secundum quod dictamina requirunt.”

“ [1.] Cantilena de Nativitate Domini.
Verbum caro factum est de virgine Maria
Cujus nomen est qui est—”

“ [2.] Alia cantilena de eodem festo.
Vale, mater Christi,
Virgo regia, in te mea spes
Menti mee tristi
Data venia solamen tu es—”

“ [3.] De eodem festo.
Natus est de virgine Rex glorie
Sine viri semine natus est de virgine—”

“ [4.] De eodem festo.
Nato Marie filio congaudeat ecclesia
Verbo rerum principio nato Marie filio—”

Fol. 70b.

“ [5.] Lingua, manu, opere, exultemus et letemur hodie
Stude Christo psallere lingua, manu, opere—”

“ [6.] Fons salutis nostre plene
Dei mater cum filio
Grata Deo tue gene
Fons salutis nostre plene—”

" [7.] En Christi fit memoria qua florent reflorent florida
Da vera cordis gaudia—"

" [8.] Haue mercy of me frere "

" Decus et gloria,
A Magis adorato
Honor in secula—"

" [9.] Da, da nobis nunc,
Da colere solempnia festa,
Da Parvuli promere gesta : Da, da nobis nunc.
Da, da nobis nunc,
Da matri laudis honorem,
Da Parvulo cordis amorem : Da, da nobis nunc.
Da, da nobis nunc,
Da sic componere gestum,
Nil mestum nil inhonestum : Da, da nobis nunc.
Da, da nobis nunc,
Da nunc corrigere mores,
Virtutum carpere flores : Da, da nobis nunc.
Da, da nobis nunc,
Da vivere vice jocunde
Concedere satis et unde : Da, da nobis nunc.
Da, da nobis nunc,
Da clero volvere libros,
Da populo tangere ciphos : Da, da nobis nunc.
Da, da nobis nunc,
Da prompte fundere potum,
Da sobrie bibere totum : Da, da nobis nunc.
Da, da nobis nunc,
Da Parvulo psallere laudes,
Da procul pellere fraudes : Da, da nobis nunc.
Da, da nobis nunc,
Da mestis vim meritorum,
Da lectis regna polorum : Da, da nobis nunc.
Da, da nobis nunc."

" [10.] De radice virginis flos vernans processit
Ab alto divini culminis—"

Fol. 71.

" [11.] Peperit virgo,¹ virgo regia. Mater orphanorum.
Peperit virgo, virgo regia. Mater orphanorum—"

" [12.] Christi parentele laus Domini
Ejusque sequele salus Domini—"

" [13.] Jubila, rutila mater Ecclesia
Natus Dei filius suxit ubera—"

" [14.] Vale, virgo Christifera,
Quem laudat mundi machina,
Vera vitis fructifera,
Vale, virgo Christifera—"

¹ Marginal note obliterated.

ARCHIVES OF
THE SEE OF
OSSORY.

Fol. 71b.

“ [15.] En Christus nascitur
De matre virgine,
Nova lux oritur
In claro sydere—”

“ [16.] Amoris vinculo nos Dei Filius attraxit dulciter,
Eterno seculo de Patre genitus—”

“ [17.] Alas, hou shold ý syng yloren is my playng
Hou shold ý with that olde man
To leven and [*oblit.*] my leman¹
Swettist of al thinge”

“ Succurre, mater Christi,
Menti mee tristi
Pondere peccati
Quo deprimitur
Prorsus ad ima²
Semper labitur
Sine defensore.

“ Ortus nove lucis,
Quam nobis producis,
Pondera peccati
Sic extenuat :
Lapsos penitentes
Semper relevat,
Te intercessore.

“ Et lux illa vera
Que caritate mera
Suo splendore
Nos illuminat :
Celi divino rore
Nos letificat
Divino fulgore.

“ Hac luce profundi
Simus et iocundi
Pie matris more
Nobis impetra
Eidem conjungi
Virtute celica
Superno decore. Amen.”

“ [18.] Harrow ieo su trahy :
Par fol amor de mal amý ”

“ Jhesu, lux vera seculi
Tui te laudant servuli,
Gaudent videntes angeli—”

¹ *leman*] *lemon*, MS.

² *ima*] *ýma*, MS.

[19.] "Haue mercie on me frere : barfote that y go."

"Jam Christo moriente : luxit Ecclesia
Sed ipso resurgente : promisit alleluia
Vita deficiente : lapsa fragilia
Ad vitam revertente : reflorent omnia—"

Fol. 72.

"[20.] Resurrexit Dominus
Cantemus alleluia
Christus Dei Filius
Resurrexit Dominus—"

"[21.] Dire mortis datus pene
Surrexit die tercia
Parans pascha die cene
Dire mortis datus pene
Cibum turbe duodene
Se dat manu propria—"

"[22.] So do nightyngale synge ful myrie
Shal y neure for thyn loue lengre karie"

"Dies ista gaudii, die letitie
De morte resurrexit Christus hodie—"

"[23.] Plangentis Christi vulnera
Mittetur vox dulcissona
En Christi fit memoria
Digna dans laudum cantica
Mutata sunt nam carmina
Plangentis Christi vulnera—"

"[24.] Haue God day
leman,¹ etc."

Fol. 72b.

Resurgenti cum gloria
Gaudeat Ecclesia—"

"[25.] Assunt festa paschalia
Gaudet mater Ecclesia
Foras procul allecia—"

"[26.] Resurrexit a mort
Qui pridie decessit
Nunciatur ab angelis—"

¹ leman] lemon, MS.

ARCHIVES OF
THE SEE OF
OSSORY.

Fol. 73.

“ [27.] Dies venit, dies tua,
In qua reflorent omnia,
Hec sunt festa paschalia—”

“ [28.] Haue merci of me frere ”

“ Maria noli flere
Sepulchro Domini
Surrexit enim vere
Sepultus ab heri
Sepulchra patuere
Testantur angeli
Adlatus intueri
Quem vocas raboni
Exnunc noli lugere
Dic Petro Simoni
Tot signa claruere
Sciant discipuli
Qui velint me videre
Quod sint Galilei

Nam quod predixi vere
Videbunt inibi
Meruerunt me videre
Cum cibo celebri
Quod celi patuere
Ascensu nobili
Qui fecit te gaudere
In vultu lugubri
Det secum congaudere
Post finem seculi. Amen.”

“ [29.] Languenti morbo funeris
Peccati quondam veteris—”

Fol. 73b.

“ [30.] Gaȳneth me no garlond of greene
Bot hit ben of wýthouesýwroght ”

“ Verum est quod legi satis plene
Codice sacro volumine
Felix est qui moritur hic bene
Celitus pro Christi nomine—”

“ [31.] Parens partum peperisti
Jhesum Dei Filium
Plaudens virgo, mater Christi,
Parens partum peperisti—”

“ [32.] Luce qua letatur
Mater Ecclesia
Deo tribuatur
Laus et gloria

Templo Dei sistitur
 Qui fecit sidera
 Marie de qua gignitur
 Beata viscera—”

ARCHIVES OF
 THE SEE OF
 OSSORY.
 —

“ [33.] Rutilat Ecclesia jubilat in mente
 Rutilat, jubilat semper attente—”

“ [34.] So do nýthyngale sýng wel murý
 Šal ý neure for thýn love lengre kary ”

Fol. 74.

“ Regem adoremus superne curie,
 Matri jubilemus regine glorie,
 Virgo pura carens lapis rubigine—”

“ [35.] Gaude virgo, mater Christi,
 Parens natum genuisti
 Cum ingenti gaudio—”

“ [36.] Christe, Redemptor omnium,
 Exaudi preces supplicum
 Veni, Salvator gentium
 Christe, Redemptor omnium
 Cerne mundi naufragium
 Restaurans quod est perditum
 Christe, Redemptor omnium
 Exaudi preces supplicum
 Partum nobis virgineum
 Christe, Redemptor omnium
 Regem celorum dominum
 Effudit virgo virginum
 Christe, Redemptor omnium
 Exaudi preces supplicum
 Qui celi tenens ambitum
 Christe, Redemptor omnium
 Solus ante principium
 Perhenne dona gaudium
 Christe, Redemptor omnium
 Exaudi preces supplicum. Amen.
 A Deo Patre luminum ¹
 Christe, Redemptor omnium
 Nobis mitte Paraclitum
 Illustratorem cordium
 Christe, Redemptor omnium
 Exaudi preces supplicum
 Qui celi, etc.”

“ [37.] Miserans, miserans, parce redemptis
 Miserando judicans, parce redemptis
 Tu qui vides omnia, Tu qui vides omnia
 Sub et supra sydera, sub et supra sydera

¹ This and the six following lines are in writing different from that of the remainder.

ARCHIVES OF
THE SEE OF
OSSORY.

Fol. 74b.

Miserans, miserans, parce redemptis
Miserando judicans, parce redemptis
Opprimitur ecclesia, opprimitur ecclesia
Que solet esse libera, que solet esse libera
Miserans, miserans, parce redemptis,—ut supra.
Crescit avaricia, crescit avaricia
Dolus et malicia, dolus et malicia.
Miserans, miserans, parce redemptis, etc.
Amor et justicia, amor et justicia
Fugati sunt de patria, fugati sunt de patria
Miserans, miserans, parce redemptis, etc.
Vigent ubique spolia, vigent ubique spolia
Livor et incendia, livor et incendia
Miserans, miserans, parce redemptis
Qui judicabis singula, qui judicabis singula
Reges et imperia, reges et imperia
Miserans, miserans, parce redemptis
Presenti de miseria, presenti de miseria
Perduc nos ad supera, perduc nos ad supera
Miserans, miserans, parce redemptis
Miserando judicans, parce redemptis.”

“ [38.] Jhesu, lux vera mentium
Serva tuum peculium—”

“ [39.] Novum lumen apparuit
Quo vera lux clarescit
Ad orientem patuit
Novum lumen apparuit—”

“ [40.] Heu alas pur amour
Qy moy myst en taunt dolour ”

“ Vale, mater, virgo pura
Tu et tua genitura
Tuum natum offertura
Templo Jerosolimis—”

“ [41.] Hey how the cheualdoures wok al nyght ”

“ En parit virgo regia, en parit virgo regia
Maria plena gracia, Maria plena gracia—”

Fol. 75.

“ [42.] Jhesu bone, Jhesu pie
Jhesu fili flos Marie
Circumcisis ista die
“ Pro nobis mundi miseris

“ Nomen tuum salutare
Dat scriptura causam quare
Nam tu venisti nos salvare
“ Salus in angustiis.

“ Quem adorant Magi Reges
Pastores pascentes greges
Testantur scientes leges
“ Ex libris propheticiis

“ Que genuisti Salvatorem
Ducem nostrum et pastorem
Et a morte Redemptorem
“ Ade peccati veteris

“ Per tui nati sanctum ortum
Duc nos ad salutis portum
Quo nil grave nichil tortum
“ Sed semper frui superis. Amen.”

“ [43.] Summe Deus clemencie,
Mundique factor machine
Trino sumus certamine,
Summe Deus clemencie,
Mundi carnis cum demone,
Iterque nostrum fragile,
Summe Deus clemencie,
Mundique factor machine
Rectorque noster aspice
Summe Deus clemencie,
Vitam et mores corrige,
Viamque pacis dirige.
Summe Deus clemencie,
Mundique factor machine,
Memento nostri Domine.
Summe Deus clemencie,
Ut dono tue gracie
Preserves nos a crimine.
Summe Deus clemencie, etc.
Vi mortis tue vivide,
Summe Deus clemencie,
Calcato Tartaro pede
Hostem vicistis strenue.
Summe Deus clemencie, etc.
Ab hoste Tu nos protege,
Summe Deus clemencie,
In hora mortis suscipe,
Et omni salva tempore.

“ [44.] Scendenti supra sidera
Locato Patris dextera
Vincenti tanta prelia
Scendenti supra sidera
Laus honor sit et gloria.
Celestia, terrestria
Nutu fatentur subdita
Scendenti supra sidera, etc.
Comestione prima
Scendenti supra sidera [etc.
Pandit iter per ethera

ARCHIVES OF
THE SEE OF
OSSORY.

Ne caro fiat dubia
Scendenti supra sidera, etc.
Videntes hec¹ magnalia
Scendenti supra sidera [etc.]
Tollunt ad celos lumina
Quem cepit nubes fulgida
Scendenti supra sidera [etc.]
Testatur vox angelica
Scendenti supra sidera [etc.]
Judicaturum omnia
Venturum hunc per aera
Scendenti supra sidera [etc.]
Tenens libram et pondera
Scendenti supra sidera [etc.]
Nobis remittat scelera
Secum ducens ad supera. Amen.”

Fol. 75b.

“ [45.] O Deus, Sancte Spiritus
Summi dulcoris alitus
Suorum amor medius
O Deus, Sancte Spiritus
Verus noster Paraclitus
Et consolator intimus
O Deus, Sancte Spiritus
Summi dulcoris alitus
Dextre Dei tu digitus
O Deus, Sancte Spiritus
Bonorum dator optimus
Linguarum sator celitus
O Deus, Sancte Spiritus
Lumen infundens sensibus²
O Deus, Sancte Spiritus
Corda demulceus penitus
Urens amoris fascibus
O Deus, Sancte Spiritus
Pacis autor egregius
O Deus, Sancte Spiritus
Sator, amator inclitus
Assistens postulantibus
Qui das salutem gentibus
O Deus, Sancte Spiritus
Mestis solamen mentibus
Aurem da nostris precibus
O Deus, Sancte Spiritus
Hostem repellas longius³
O Deus, Sancte Spiritus
Pacem da nostris cordibus
Jungendo celi civibus. Amen.”

¹ *hec*] hoc, MS.

² *sensibus*] sencibus, MS.

³ This line occurs in the church hymn—“Veni, Creator Spiritus,” which also contains passages resembling some of those in the above piece.

“ [46.] Spiritus Sancti gracia

In quo clarescunt omnia

Nobis assit per secula

Dudum sacrata pectora

Spiritus Sancti gracia

Cor, linguam et labia

Lingua replevit ignea

Spiritus Sancti gracia

In quo clarescunt omnia

Nobis assit per secula

Fautor Dei magnalia

Spiritus Sancti gracia

Linguarum cuncta genera

Cum admiracione nimia

Spiritus Sancti gracia

In quo clarescunt omnia

Nobis assit per secula

Judea tunc incredula

Spiritus Sancti gracia

Discipulorum agmina

Repleta dicit crapula

Spiritus Sancti gracia

In quo clarescunt omnia

Nobis assit per secula

Petrus virtute celica

Spiritus Sancti gracia

Pulsa tanta vesania

Facta docet prophetica

Spiritus Sancti gracia

In quo clarescunt omnia

Nobis assit per secula

Qui scit et potest omnia

Spiritus Sancti gracia

Det nunc quieta tempora

Et post eterna gaudia. Amen.”

“ [47.] Canite, canite, vultu jocundo,

Nato Domino,[†]

Jubilando, psallite, cantu rotundo

Marie filio—”

“ [48.] De sole rutilo sol alter oritur

Sic mundo geminus sol superfundit—”

“ [49.] Salutat angelus blande juvenculam

Virgo post modicum offert ancillulam—”

“ [50.] Verbum virgineum inpregnans uterum

Jhesus vocatus est a Patre luminum—”

Fol. 76.

“ [51.] Magi repatriant post data munera

Non ea qua venerant via sed ¹ altera

Sed ² Jhesus remanet pendens ad ubera

Que profert Parvulo vir[g]o puerpera.”

“ [52.] Maria decoquit panem salvificum

In ventris clibano per ignem misticum—”

¹, ² sed] set, MS.

ARCHIVES OF
THE SEE OF
OSSORY.

Fol. 76b.

- “ [53.] Stupens intueor ventrem Christifore
Ventreosam feminam sed sine venere—”
- “ [54.] O Dei genitrix, cui nulla similis
Preit vel sequitur, virgo tam humilis—”
- “ [55.] Conscendit Salamon ventrale ferculum
Nec pudicie solvit signacula—”
- “ [56.] Maria virgo genuit
Manentem supra sidera
Mamillam ori prebuit
Sua sugenti ubera—”

Fol. 77.

- “ [57.] Laudet cor Deo deditum
Divinum natalitium—”
- “ [58.] O Verbum Dei Filius Deus origine
Caro factum humanitus de matre virgine—”
- “ [59.] Caritate nimia nos Deo diligente
Letemur hodie
Nato Dei Filio de matre parente
Letemur hodie—”
- “ [60.] Videbitis qualis et quantus mundus sit :
Error in illecebris,
Rectores habentes greges :
Pomposi qui condunt leges,
Ubi jam sunt ?
Quorum gesta,
Quia fuerunt in latebris,
Velut ¹ funesta ;
Nunc perierunt in tenebris ;
Videbitis qualis et quantus, etc.
Multi reges ante fuerunt,
Mundi passus qui transierunt ;
Ubi jam sunt ?
Carnes ² et ossa putrescentes,³
In delubris :
Spiritus et anime vultu gementes,
Cum miseris.
Videbitis qualis et quantus, etc.
Consultum est qui sunt venientes ;
Sese ipsis sint cogitantes ;
Ubi jam sunt ?
Ut tuti, securi atque defensi de lugubris,
Erecti sint et congaudentes cum superis ;
Videbitis qualis et quantus, etc.”

¹ *Velut*] Velud, MS.

² *Carnes*] Graves, MS.

³ *putrescentes*] putressentes, MS.

IV.

VERSES ON THE SIBYL

ARCHIVES OF
THE SEE OF
OSSORY.

Fol. 66.

“ En Fraunceys conferme par auctorite.”
 “ Ceux sount les proverbis del Sibyl.”
 “ Chers amys receiuez de moy
 Un beau present qe vous envoy
 Noun pas dor ne dargent
 Mais de bon enseignement
 Qe en escriptur ai troue
 E de Latin translatee
 En comun langage por amys
 Qe de clergie nount apris
 Trestut est sen e verite
 Qe si trouerez romancee
 Qe bien lentent e souent lit
 Preu enaura e delit
 Dount celui soit de dieux benet
 Qe sa entent ben imet
 Un sages dit en soun liure
 Qe comencement de bien viure
 Surtut rien est aduter
 . . . ¹ dieu e honurer
 David : Inicium sapiencie
 Est timor Domini.
 Autre dist qe vostre entente
 Deves mettre en ta jouente
 De totiz pechez vous retrere ;
 Et bones oeures user e faire
 Salamon : In bonis sit cor tuum in diebus juventutis tue et a
 carne tua amove omnem maliciam.
 Non plus targez de bien ouerer
 Plus surjectez pourons de comencer
 Par comencer vertu crest
 Et par targer retraite est
 Seneca : Audendo crescit virtus, tardendo timor, ait Seneca.”

* * * *

“ En tiel manere la lettre lisez
 Et la sentence entendre sachez
 Qar nient entendre e mult lire
 Ceo dist Caton fait a despire.
 Cato : Legere et non intelligere est neclegere.
 Por ceo voil si lesser
 De plus proverbis translater
 Qe ceux qe lisent cest escripte
 En courtes paroles eyent delit
 Ore priez pur Bohoun
 Qi vous present cest lessoun
 Qil par vostre oreisoun
 Veigne a saluacioun.
 Propheta : Qui pro aliis orat
 Pro se laborat.”

Fol. 67b

¹ MS. indistinct.

ARCHIVES OF
THE SEE OF
OSSORY.

V.

TREATISE ON AQUA VITÆ.

Fol. 62b.

"Aqua vite alia simplex alia composita: simplex est que sine aliena rei admixtione simpliciter de vino elicitur et dicitur aqua vini, quia sicut simpliciter elicitur, ita simpliciter sine vini vel aque admixtione debet sumi. Aqua vite simplex hoc modo debet fieri: accipe vinum electum vetus unius anni et plus, rubeum, grossum, potens, non dulce, et pone in olla et claude os olle cum bona clepsedra facta de ligno, cum panno lineo involuta, et circumcincta luto capite ne respiret. Olla tunc sit vacua ad minus usque ad medium. Ab hac olla debet exiri canalis ad aliud vas cum serpente, et illud vas aqua frigida debet impleri et frequenter renovari cum calefacta fuerit ab aqua discurrente per canalem. Collocata autem olla cum vino super ignem, distilla igne lento quousque medietatem vini impositam recipis. Deinde ejice quod in distillatorio, id est, in olla, remansit. Quod autem distillatum est iterum repone ad distillandum, et recipe de decem partibus septem. Quod autem remanserit in distillatorio extrahe et pone ex una parte per se. Iterum quod distillatum est redistilla tercio et quarto (si vero ad summam perfectionem pervenire desideras, decies inclusive distillabis) recipiendo in qualibet distillatione decimam partem tantum. In septima tamen distillatione talis aqua perfecta dicitur, quia mirabilia operatur. In decima vero dicitur perfectissima, quia omnia nobilitate sua perficit et illustrat. Propter difficultatem tamen operis in communibus medicinis facimus aquam primo jam dictam que in tertia siquidem et in quarta distillatione, et maxime postquam quater distillata fuerit, tante virtutis est quod siquis ea uti sciverit omnibus fere passionibus, maxime frigidis, curari poterat.

"Ista aqua habet probaciones sive signa cum applicatione candelee accense ad caantum inferius; quum ista distillacio ardet imperfecte; secunda, magis; tertia, perfectius; quarta, perfectissime.

"Virtutes hujus aque multe sunt: est in gloria inestimabilis, omnium medicinarum mater et domina.

"Effectus vero illius mirabiles sunt. Quorum quidam sunt in corpore humano: primo, quod omnes passionες in corpore humano ex frigidis humoribus procedentes curat, sive sint extrinsece sive intrinsece; intrinsece, per potum certe quantitatis; extrinsece,¹ per linicionem exteriorem. Quantitas est quantum una testa anellane capere potest, cum uno ciato boni vini albi. In linicione, quantitas ut supra mirabiliter et cito curat egritudines frigidās, et maxime egritudines cerebri nervorum et junctarum in potu sumpta et apostemate. Et nota quod si a egritudine sit frigida cum humoris vicio primito debet ejus purgacio; si non, nota quod dosis ejus in potu est a z.i. usque ad z.ii., et plus et minus secundum virtutem patientis vel bibentis.

"Speciales vero effectus illius sunt isti: valet etiam in capillo² si potatur cum vino, vel si ex ea fit capitis pinguentum.³

"Item, dolore capitis de causa frigida facta ex eo catapurgio. Valet etiam in asmate potata cum vino decoctionis [*blank*] et liquoricie.

"Item, retardat canos, conservat juventutem. Tineam, et ulcera capitis, et scabiem omnem curat si quolibet mane et sero laventur ex ea. Memoriam specialiter juvat. Valet epileptico cerebri specialiter si potetur, si

¹ *extrinsece*] extrinsece, MS.

² *capillo*] capilla, MS.

³ Two brief and indistinct entries, relating to distillation, are inserted in the margins here.

caput ex ea ungatur, si odoret, si catapurgium inde administretur, et si distemperetur cum modica quantitate tiriace magne. Recipiantur quoque jejuno stomacho bis vel ter interpositis diebus curat perfecte.

ARCHIVES OF
THE SEE OF
OSSORY.

"Item, potata in mane cum bono vino ad quantitatem duarum guttarum vel trium in uno mixto, jejuno stomacho, ita quod unum non excedat unum ciatum vel ciphum, miro modo letificat hominem et sanat fetorem anhelitus,¹ qui fetor a stomacho procedit.

Fol. 63.

"Item, valet contra paralysim membrorum, cum tremuerint, bibita ut supra; ita tamen quod peciam unam panni in dicta aqua madefactam teneat super linguam, que linguam restaurat et eciam loquelam.

"Item, valet contra vicium lapidis² ex humoribus frigidis gravantis, sive in renibus sive in vesica, bibita ut supra.

"Item, valet contra vicia labiorum ex ventositate vel ex frigidis humoribus generata.

"Item, valet caliginini oculorum, et omni debilitati visus ex operibus grossis et turbatis, et cataracte in . . .³per se sola quoque circa tempora⁴ et supra palpebras oculorum inuncta lacrimas mirabiliter sistit, telam dissolvit, et est mirabilis cum gutte fuere oculorum; mirabiliter etiam solvit oculos exterius liniendo vel unam interius guttam in angulo oculi ponendo; valet et surditati injecta aure tepida cum lubricacione. Valet et dolori dentium, dentibus corruptis, et gingivis corrosis, bibita et linita, Valet doloribus stomaci flatuosis,⁵ ventosis et melancholicis. Valet in opitulacione⁶ hepatis⁵ et splenis et renum, super omnem medicinam nervos contractos sanat mulieribus. Multum valet si cum ea laventur cautim fistulam. Noli me tangere, morbum regium, et omnes similes passiones curat, venenum expellit. Percussum a mercurio, vel a malignitate mercurii loco inuncto ista aqua et oleo benedicto curatur; ante accesionem bibita omnem quartanum per se vel adjunctis sibi debitis herbarum florum specierum et radicum proporcionibus, quam ad membra portat indigencia, cito sanat.

"Item, valet in podagra et sciatica et arthretica de causa frigida, potetur purgacione premissa.

"Item, valet sterilitati de causa frigida, potata et facto ex ea pessario.

"Et non solum hii sed⁷ eciam multi alii sunt effectus in corpore humano.

"Effectus vero extra corpus humanum sunt quod quidcunque ex ea linitum vel madefactum fuerit flamma candeles adhibita ardet et non leditur. Omnes siquidem herbarum, preter solas violas, florum, radicum ac specierum ad se trahit proprietates si per tres horas morentur in ea, si gariofili in ea ponantur et misceantur cum vino statim erit⁸ gariofilatum vel pingmentatum.

"Item, si salina ponatur in ea, statim trahit ad se totam substantiam, et si misceatur cum vino statim erit salinatum. Eodem modo de quolibet genere herbarum.

"Item, vinum corruptum et acetum, quoquoque modo corrupta, reparat et ad pristinum statum et bonitatem reducit, si de ea aliquid imponatur.

¹ anhelitus] hanelitus, MS.

² In margin: "Aliter lapidem . . . induratum in renibus vel in vesica . . . mensibus frequenter dissolvit, ut dicitur" . . .

³ Blank in MS.

⁴ tempora] timpora, MS.

⁵ flatuosis] flauticis, MS.

⁶ opitulacione] opilacione, MS.

⁷ sed] set, MS.

⁸ erit] erat, MS.

ARCHIVES OF
THE SEE OF
OSSORY.

"Item, pisces et carnes a putrefactione conservat si in ea ponantur.

"Item, pisces et carnes qui sunt inferi putrefactionis si in ea ponantur, id quod non est putrefactum integrum conservat, et quod est putridum corrodit.

"Item, omnis vermis venenosus, utpote bufo et aranea, moriuntur ex odore ejus, nec eam appropinquare possunt.

Fol. 63b.

"Item, valet, contra puncturam et morsus serpentium, vel cujus-cunque alterius vermis, si posita in loco punctato seu doloris statim curatur.

"Breviter, plus valet contra omnia venena ferienda quam tyriaca aliqua de mundo, si de ea sciant . . . uti.

"Iterum, mustum novum adeo desiccat et superfluitates admovet quod erit simile vino veteri. Virtutes tamen nobiliores habet in alkýmia."¹

VI.

"MODUS FACIENDI NECTAR."

Fol. 78.

"Pro duabus lagenis: sumatur quarta pars lagene mellis optimi despumati et calefiat super ignem quousque sit bene callidum. Deinde de igne deposito in vase ligneo seu eneo competente ad mei vinum paulatim infundatur, quoad medietatem, et continue moveatur cum ligno, quousque vinum melli incorporetur. Deinde pulveres specierum apponantur aspersi et similiter moveantur quousque bene et perfecte inbibantur a vino et melle et resideat quousque clarificetur, et post coletur per medium [pa]nni subtilis qui vocatur streynour. Porporcio pulverum erit ad premissas quantitates vini et mellis quarterium, et porporcio zinziberis, piperis, longi sive brevis, sive granorum paris, gala (*oblit.*) sit equalis (*oblit.*) et ad plus trium unciarum, ita quod de singulis trium, scilicet, zinziberis uncia, piperis vel granorum paris similiter sit uncia si utrumque habeatur cinamoni sit uncia extra quod jungatur de spico ad pondus *iiijd.* Si debeat diminui de liquoribus, diminuatur porporcionaliter de pulveribus. Nota quod virtus dispersa minor est quam unita. Si vel[is] perfecte operari et non invalide, non apponas totum quod habeatur de pulvere, sed cum cocleari tempta et proba in ore, si conveniat, et adde [*oblit.*] necessarium paulatim :

"Gýnger	-	-	-	-	-	iii.d.
Ganygale	-	-	-	-	-	ii.d.
Canel	-	-	-	-	-	ii.d.
Clovýs	-	-	-	-	-	ii.d.
Grendparýse	-	-	-	-	-	ii.d.
Spikenard	-	-	-	-	-	i.d.

"Pro tribus potellis cum media pinta mellis digesti."

VII.

ORDINANCES AND STATUTES AT DUBLIN AND KILKENNY, A.D. 1351.

Fol. 49b.

"Les ordinaunces e[t] estatutz faites par le Conseil le Roy a Dyvelyn e[t] a Kilkenny pur le commune profyt de la terre Dirlaund.

¹ This treatise extends in the MS. to fol. 64b., the upper part of which contains the concluding passages of it. Regulations in reference to making Aqua vite, at Kilkenny, A.D. 1542, will be found at page 261 of the Appendix to the Second Report of this Commission, 1871.

"Nostre Seigneur le Roÿ Dengleterre e de Fraunce, et Seigneur Dirlaund, e son Conseil de mesme sa terre Dirlaund, desirrantz la mayntenance de lestat de Seynt Eglise et le bone gouvernement de son poeple Dirlaund, et sauve garde de sa pees et mayntenaunce de les bones leÿes illoques, et la chastiment et punisement des malfessours et altres maluÿs gentz, et amendement de tortz et grevances faites a mesme son poeple sur les grevouses pleÿntes des Communes de la dite terre, appelezt a son graunt Conseil tenuz a Dyvelyn le Lundy proscheyne devant la feste de Seynt Luc le Ewangelist,¹ et auxint a un altre son graunt Conseil tenuz a Kilkenny le Lundy proscheyne devaunt le fest de tous Seynts,² lan du regne mesme nostre Seigneur le Roÿ vintisme quint, si sont ordeynez et establiez par le dit Conseil nostre Seigneur le Roÿ,³ en noun de mesme nostre Seigneur le Roÿ, del assent des Prelatz, Countes et Barouns, et altres Communes de mesme la terre illoques estaunce al honur de Dieux⁴ et de Seint Eglise, et pur le bon gouvernement de sa dite terre Dirlaund et quiete de son poeple, et pur les leÿes multz garder et les meffessours chastier com sus est dit les choses et articles sount escriptz a tenir et garder pleynement sur les peynes contenuz en icelles. Fol. 50.

"[1.] Primerment: Qe Seynt Eglise soit franche e eÿt touz ses franchises sans emblicement e touz les articles contenuz en la grande chartre le Roÿ soient en touz poÿntz tenuz fermes e estables.

"[2.] Item: Nostre Seigneur le Roÿ defent desus forfeiture de vie et de membre que nul de quel estat ou condicion qil soit ne tiegne kernes, hobelours ne udives gentz en terre de pees a grever le leal poeple nostre Seigneur le Roÿ, mes qi les voet tenir les tiegne en la marche a ses costages propres saunz rien prendre de nul encoutre sa volunte, e si nul⁵ home de kerne ou nul altre prenge nul manere des vitailles ou altre biens de nul encontre sa volunte soit hue et crie leve sur luy e soit pris e maunde a la gaole sil se voille rendre e si non mes faire resistance a force issint qil ne voille lattachement soeffrir soit fait de ly com de robbour apert e tiel manere soit tenu pur robberie. Et en cas qi tiels meffessours defuent lattachement qe nul home les pourra prendre a donques respoÿgne Seigneur ou le messour pur ly e face gree a la partie qest issint endamage e sil ne face gree a la partie eÿt le Roÿ la soent devers ly si bien pur luy mesmes come pur la partie. Et ceux qe ne lèvent a cel hue et crie soyent tenuz et puniz com mayntenours des felons. Et si nul home tiegne mesme kernes, hobelours ou udifs gentz autrement qe desus nest dit eÿt iugement de vie et de membre et soient ses terres e tenementz forfeitez.

"[3.] Item: Soit un crie fait qe touz iceaux qi sont udifs or e voillent prendre terres du Roÿ vieignent a la Justice Dirlaund ou a Tresorer le Roÿ prÿgnent terres du Roÿ a ferme e sils voillent prendre des altres Seigneurs vieignent a eux ou a lour Seneschals en mesme la manere.

"[4.] Item: Qe nuls marchysez ne altres tieignent parlement ne Fol. 50b.
daliance oue nul Irreÿs ne Engleÿs qe soit acontre la pees saunz conge de la Court ou en presence du Viscont nostre Seigneur le Roÿ ou de gardeÿns de la pees si qils puissent veer qe tiel parlement ou daliance soit pur commune profit e nennÿ pur singuler. E qe face eÿt prisement e soit reynt a la volunte le Roÿ.

¹ October 18.² November 1.³ Edward III.⁴ *Dieux*] Deux, MS.⁵ *si nul*] si qi nul, MS.

ARCHIVES OF
THE SEE OF
OSBORY.

"[5.] Item : Ordine est que chescun cheviteyn des lynages en chescun counte soit charge alye a nostre Seigneur le Roÿ, qe si ascun de son lynage, de sa adheraunce,¹ ou de sa retenaunce, quel il purra chastier ascun trespas ou felonie, face qe le dit cheviteyn eyt poer de prendre les meffesours e les detenir en prisoun taunqe ils soÿent delivres par la ley, e si les dites cheviteyns les ditz meffesours ne voilent prendre, mes les soeffrent aler a large, qe adonques les corps des ditz cheviteyns soyent pris par eux e detenuz en prison taunqe les cors des ditz meffesours soient renduz a la Court nostre Seigneur le Roÿ destre justizables."

"[6.] Item : Qe un pees e un guerre soit par tut la terre issint qe si nuls Irreys ou Engleys soit de guerre, etc.²

"[7.] Pur ceo qe divers gentz font diversez robberies et felonies en franchises et se fuent, etc.

Fol. 51.

"[8.] Pur ceo qe diverses gentz enfeffent lour enfauntz ou altres estraunges des lour terres, etc.

Fol. 51b.

"[9.] En chescun countee soient ordeinetz quatre des mieltz vauetz da countee pur estre gardeyns de la pees, etc.

"[10.] Item : Ordeyne est qe les marchals del une bank e del autre e dedentz franchises ne preignent desormes pur lour fee plus qe prignent en Engleterre, etc.

Fol. 52.

"[11.] Item : Ordeine est qe si homme face felonie et soit futif ou soit atteynt, etc.

"[12.] Item : Ordeyne est qe nule Engleys face nul manere de alliance a les Engleys ou Irreys enemys nostre Seigneur le Roÿ par marriage, nurture de lour enfauntz, ou en ascun altre manere, si ne soit par assent de la Court le Roÿ. Et qe le face e de ceo soit atteynt eyt lenprisonement e outre ceo soit reÿnt a la volunte.

"[13.] Item : Ordeine est qe si ascun homme soit endite de mort de homme Engleys, etc.

"[14.] Item : Ordeine est qe si true ou pees soit prises par le Justice gardeyns de la pees ou Viscontes entre les Engleys e Irreys, etc.

"[15.] Item : Ordeine est qe le Ussher del Eschequer ne preng desormes vint sols pur son fee, etc.

Fol. 52b.

"[16.] Item : Qe lestatut des labours³ maunde Dengleterre en Irlaund soit maunde par bref a chescun Viscont, Seneschal, Meyres e Soverayns des citees e villes, qils facent proclamacion de ycel estatut e de les punir selon la fourme del dite estatut.

"[17.] Item : Ordeine est qe si debat soit mue parentre Engleys e Engleys par quey les Engles dune partie et dautre quillent a eux Engleys ou Irreys en pays illoques a demorer pur guerre e grever altres a graunt damage e destruction del lige poeple le Roÿ, acorde est e assentu qe nul Engleys soit si hardie de mover guerre encontre altres ne de mesner nul Engleys ne Irreys en pays desormes pur cel encheson. Et qe le face e de ceo soit atteynt eyt jugement de vie e de membre e lour terres forfeites.

¹ *adheraunce*] *aherdaunce*, MS.

² The enactments thus abbreviated here are those which were included verbatim in the "Statute of Kilkenny," A.D. 1367. See page 221.

³ "Statute of Labourers," 25 Edward III.

"[18.] Item : Ordeine est qe si debat sourde entre Engleys e Engleys e la pees esteaunte qe nul de eux face namer ne gage ne destresse sur altre prendre ne vengeance sur altre preigne par quey le poeple le Roÿ pourra estre trouble mes sue chescun vers altre par la commune ley. Et coment qe avant ces heures par reson de tiels debates parentre Engleys e Engleys faites eÿent usez destre reule par la ley de Marche e de Breawen¹ quele nest pas leye ne doit estre dit leye e nennÿ par ley de terre, accorde est qe ley de Marche ne de Breawen soit tenue entre Engleys e Engleys mes soient reulez a la commune leye. Et qui contrevenent les ordinaunces susdites e de ceux soient atteyntez soient pris e enprisones e reyntz."

ARCHIVES OF
THE SEE OF
OSSORY,
DUBLIN

Ms. 10

"[19.] Item : Ordeine est qe nul homme de qel estat ou condicion qil soit face nul manere darest, etc.

"[20.] Item : Ordeine est qe touz iceaux qui ont terres en Marche e sont reseantz en terre de pees facent reseancie en leur terres en Marche ou mettent altres suffisantz en leur lue en ayde e mayntenaunce des March[ises], e qe ne le facent soient les issues de leur terres en terre de pees prises par les ministres le Roÿ illoques e despandez en la Marche pur la salvacione de la dit Marche solom la quantite des terres qil ad en Marche.

"[21.] Item : Ordeine est qe touz iceaux qe ont terres ou tenementz en Irlaund et soient reseantz en Engleterre, qils facent contribucion pur defense de leur terres illoques si avant com ceaux reseantz dedentz la dite terre Dirlaund y fount. Et en cas qe mesmes ceaux par aillour demoerrantz eyent terres en Marche qils facent assier e garder leur terres avantdites convenablement par quey les Marchises puissent le moeuth estre enfortez solom la quantite de ycelles et qui ne le face soient les issues de leur terres despandez en la Marche en la fourme susdite com plus pleynement est maunde par bref hors Dengleterre en Irlaunde. Fol. 53.

"[22.] Item : Ordeine est qe nul Engleys commune meffesour ne commune robeour ne barettour ne soit maintenuz par le Court de Roÿ, etc.

"[23.] Item : Qe cum sommons del Escheker nostre Seignur le Roÿ de Dyvelÿn (*sic*) viegnent as divers Viscountes e Seneschals des franchises, etc.

"[24.] Item : Pur ceo qe les fees des Viscontes si sount ordeines par estatut e les Viscontes en la terre Dirlaunde se preignent en leur tourns de chescun baronie, etc. Fol. 53b.

"[25.] Item : Accorde est e assentu qe nul Viscont desormes se tienge plee devaunt ly en countee de vedetenamie² encountre la commune ley nostre Seignur le Roÿ entreesteant nul usage erroignes desresonables e desacordauns a la leye les ceux avaunt ces heures ont este malment usez et sil face e de ceo soit atteynt eyt lenprisonement e outre ceo soyt reynt a la volonte le Roÿ. Et qe nul Seriaunt pur nul gage de vedetenamie² en tiel cas ne preinge nul fee"—

¹ Brehon.

² "Vetitum namium"—"Withernam."

ARCHIVES OF
THE SEE OF
OSSORY.

VIII.

ORDINANCE AGAINST ASSOCIATING WITH THE IRISH, USING THEIR
LANGUAGE, OR SENDING CHILDREN TO BE NURSED AMONG THEM,
A.D. 1359-60.

ol. 55.

“Edwardus, Dei gracia Rex Anglie et Francie et Dominus Hibernie, Vicecomiti Crocee Kilkennie et Senescallo Libertatis Kilkennie salutem : Quia plures homines de nacione Anglicana, tam in Marchiis terre nostre Hibernie quam alibi ibidem, jam de novo devenerunt de condicione hominum Hibernicorum nobis legibusque nostris et consuetudinibus in Curia nostra inter Anglicos hucusque usitatis parere vel subiacere nolentes, nec rectum nec justiciam de actionibus et querelis suis in dicta Curia nostra prosequi aut petere aut aliquibus aliis juxta easdem leges et consuetudines de hujusmodi actionibus pro voluntate sua respondere, immo quod deterius est predas nomine vadium sive districtionum modo guerrino ab illis contra quos actiones habere intendunt sepe et sepius capiunt, unde commociones guerrarum sive discordie oriuntur et parlamenta ad modum Hibernicorum cum aliis Anglicis de consimilibus actionibus et querelis tenent et indies tenere non desinunt juxta legem Marchie, ac si una pars querelancium sive per viam actionis seu defensionis existens totaliter Hibernica fuisset in nostri et jurisdictionis nostre regie derogacionem, et legum et consuetudinum predictarum subversionem, et nichilominus homines de genere Anglicano in dicta terra idioma Hibernicum erudiunt et loquuntur et infantes suos inter Hibernicos nutriendos, ut lingua Hibernicana utantur, emittunt¹ et locantur, ita quod per hujus idioma populus noster campestris de genere Anglicano pro majori parte Hibernicus devenit, in dominii nostri ejusdem terre diminucionem manifestam :

“Nos, hujusmodi dampnis et incommodis precavere volentes, ut teneamus, de assensu Justiciarii nostri Hibernie et aliorum de Consilio nostro, ordinavimus quod nullus Anglicus, cujuscunque status seu condicionis fuerit, sive in Marchia sive alibi existens, hujusmodi condiciones Hibernicanas, aut leges et consuetudines Marchie aut parlamenta cum aliis Anglicis amodo teneat vel exerceat, in derogacionem legum et cognicionum placitorum nostrorum, sectas hujusmodi predictas capiat, sub forisfactura vite, membrorum et omnium aliorum que nobis forisfacere poterint, et hoc tantummodo excepto quod domini feodorum in feodis suis pro consuetudinibus et serviciis sibi debitis districtiones capere possint prout ante hec tempora solebant.

“Ordinavimus insuper quod nullus de genere Anglicano, sub pena perdendi libertatem Anglicanam, post festum Nativitatis Sancti Johannis Baptiste proximo futurum, idioma Hibernicum cum aliis Anglicis loquatur, sed interim quilibet Anglicus lingua Anglicana erudiat, nec infantes suos inter Hibernicos habeat nutriendos post festum predictum sub pena predicta. Tibi precipimus quod infra ballivam tuam, diebus et locis quibus melius expedire videris, publice ex parte nostra ordinacionem predictam proclamari et eam teneri facias in forma predicta.

“Teste, Jacobo le Botiller, Comite Dormond, Justiciario nostro Hibernie. Apud Dublin tercio die Februarii, anno regni nostre Anglie tricesimo quarto; regni vero nostri Francie xxi^o.

¹ MS. indistinct.

"Breve regium, sub forisfactione membrorum et bonorum, ne quis Anglicus infra dominium Hibernie predas nomine vadium ac parliamenta ad modum Hibernicorum cum aliis Anglicis teneant, aut infantes suos nutriendos inter Hibernicos mittant, vel lingua Hibernicana inter Anglicos utantur, a tempore prohibitionis brevis regii supradicti."

IX.

AGREEMENT WITH ABBEY OF ST. AUGUSTIN, BRISTOL, IN RELATION
TO CHURCH OF DYSERT, A.D. 1375-6.

"Memorandum quod primo die Januarii, anno Domini millesimo Fol. 5.
CCC.LXX. quinto, conventum erat inter Decanum et Capitulum ecclesie cathedralis Ossorie et procuratorem Abbatis et Conventus Sancti Augustini, juxta Bristoll, ecclesie de Dysert O Lostan, rectores, ex parte una, et dominum Robertum Edmys, vicarium, ibidem, ex parte altera, quod dicti rectores dant et concedunt dicto vicario terram sanctuarii ibidem cum omnibus alteragiis ad ipsos spectantibus integris, sub tali conditione quod dictus vicarius supportabit omnia onera ordinaria et extraordinaria ad dictam ecclesiam spectancia, sine contradictione vel calumpnia hinc inde ad totam vitam dicti vicarii. [Fol. 5a.]

X.

ORDINANCE AGAINST ABSENTEES FROM IRELAND [A.D. 1380].

"[Pur ceo] ¹ que nostre Seigneur le Roi ad entenduz par la certifica- Fol. 56b
cion de sez foialx liges de la terre Dirland, prelates, nobles, et communes, que ladite terre ad este et est molt endamagez et enpauvrez pur my ceo que plusors des liges nostre dit Seigneur le Roi eiantz terres, rentz, benefices, offices, et autres possessions en la dite terre ne sount pas demorantz illoques, einz se absentent et sount hors de la dicte terre preignantz et traiaintz devers eux hors de mesme la terre lez profites et revenuz des ditz terres, rentz, possessions, benefices, offices, et lez uns lessantz les chasteux et forteres a eux appartenantz en lez ditez parties aler a ruine et estre saunz garde, ordinaunce, et gouvernement, de jor en autre, et lez ditz foialx le plus anientez davoit et de pusantz a resister a lor malice siqe la dite terre est en point destre perduz en deseritizon nostre dit Seigneur le Roi et de sa Corone Dengleterre si sur ceo ne soit ordeigne de hastive remedie.

"Ordeigne est par nostre dit Seigneur le Roi, del avise et assent des seigneurs et nobles de son roialme esteauntz en ceo Parlement, que touz maneres des gentz de quele estate ou condicion qils soient eiant illoques terres, rentz, benefices et offices et autres possessions quelconques, se traient devers ladite terre Dirland parentre cy et la nativite de Seynt Johan proschein veignaunt et delors soient resceantz et demorantz illoques en eide et afforcement des ditz foialx liges a garder et defender la dicte terre encountre les ditz Irrois rebeux, et que touz ceux quount chasteux ou forteres en mesme la terre facent reparer et tenir en estate con[ven]able et mettent bone et seure garde pur le salvacion des mesmes les chasteux et forteres sur le peril qappent. Et en cas que ascuns dyceux qont terres, offices, rentz, benefices, ou autres possessions en la

¹ MS. indistinct.

ARCHIVES OF
THE SEE OF
OSSORY.

Fol. 57.

dicte terre, soient par resonable cause absenz hors de mesme la terre apres la dicte feste adonques pur le temps de lour absence soient tenuz denvoier et trover illoques gentz defensables en lour lieux en defence de mesme la terre solonge ceo qe la necessite requera, eiant regarde a la quantite et a la valu de mesme les terres, rentz, offices et autres possessions, et sils ne facent par soiens les deux parties des profitz de les terres, rentz, offices, et possessions avant ditz levez et convertiz a la garde et defense de mesme la terre par lavise des Justices et Gouvernors de mesmes la terre qe pur le temps serount. Horspris toutfoitz que les benefices des ceux qui sount en le service du Roi, ou estudiant en universitez, ou hors de mesme la terre par resonable cause, de la licence de Roi desouz son graunt seal en Engleterre, ne sera pris nappiez a les ditz garde et defence forsque taunt soulement la tiertz partie de la value dyceux apres les ordinaires et necessaires charges rebatuz solonge la certificacion de lour ordinaires."

XI.

COMPACT RELATIVE TO VESTMENTS [A.D. 1388].

Fol. 77b.

"Memorandum quod Capitulum ecclesie Sancti Cannici, Kilkennie, concessit Michaeli,¹ Decano ejusdem, et deliberavit unum par vestimentorum ad usum suum sub ista condicione quod si illud par vestimentorum aliquo casu fortuito sit perditum vel alienatum ita quod ad manus Capituli non deveniat in futurum, tunc, dictus Michael, Decanus, obligat se et omnia bona sua ad solvendum et realiter tradendum quadraginta solidos sterlingorum dicto Capitulo solvendorum, etc."

XII.

RIGHTS OF BISHOPS OF OSSORY IN THE IRISH TOWN, KILKENNY, A.D. 1372-98.

Fol. 5.

"[1.] Nota contra Superiorem et Communitatem ville Kylkennie pro Episcopo Ossoriensi:²

"Edwardus, etc. Superiori et Preposito et Communitati ville Kylkenie, salutem: Monstravit nobis Venerabilis Pater, A.³ Episcopus Ossoriensis, licet ut cum ipse omnia temporalia sua teneat de nobis in capite ipse quoddam mercatum in villa sua del Irystown, juxta Kylkeniam, que (*sic*) parcella dictorum temporalium, viz. die Mercurii singulis septimanis obtineat, et licet idem Episcopus, et predecessores sui, nuper Episcopi loci predicti, mercatum suum predictum, ut predictum est, et libertatem suam infra Croceam Episcopatus predicti, libere et absque custumis aliquibus, pro muragio dicte ville de Kylkenia, de rebus venalibus ad dictum mercatum, vel infra libertatem predictam venientibus, absque assensu et voluntate dicti Episcopi et predecessorum suorum solvendis, a tempore fundationis ipsius ecclesie Sancti Kanici de Kylkenia habere consueverunt. Vos tamen quasdam literas nostras

¹ Michael Delafield, Rector of Callan. He exchanged his benefice, in 1388, for the Deanery of Ossory. After having obtained the latter, he was licensed to study at Oxford.

² This entry is ascribed erroneously in the MS. to the thirty-eighth year of Edward III., A.D. 1363-5, instead of to the forty-seventh year of that King.

³ Alexander Balseot, Bishop of Ossory, A.D. 1371-86.

patentes ad certas custumas pro muragio dicte ville de Kylkenia, de rebus venalibus ad eandem villam de Kylkenia, et infra Croceam predictam venientibus percipiendas, absque consensu sive notificatione dicti Episcopi, impetrastis et custumas hujusmodi de rebus venalibus ad dictum mercatum et infra libertatem ipsius Episcopi predictam venientibus, pretextu dictarum literarumstrarum minus juste percepistis, et indies percipere non desistitis, in ipsius Episcopi ac ecclesie sue predictae grave prejudicium, dictique mercati, ac libertatis sue predictae perturbationem et retractationem manifestas, ut dicitur. Super quo nobis supplicavit sibi remedium adhibere. Et quia per quandam inquisitionem coram Fratre Willelmo Tany,¹ Priore Hospitalis Sancti Johannis Jerusalem in Ibernia, Cancellario nostro ibidem, captam, et in Cancellaria nostra Iberniae remanentem, est compertum quod dicta villa del Iristown est parcella dictorum temporalium, et quod idem Episcopus et predecessores sui predicti mercatum predictum unacum libertate predicta in forma predicta habere consueverunt. Nolentes perinde quod prefato Episcopo in ea parte, pretextu dictarum literarumstrarum aliquialiter prejudicetur, vobis et cuilibet vestrorum mandamus, quod pretextu dictarum literarumstrarum nostrarum de dicta villa del Iristown mercato aut libertate predictis, vel de custumis aliquibus, pro muragio dicte ville de Kylkenia, de rebus venalibus ad dictum mercatum vel infra libertatem predictam venientibus, absque assensu et voluntate ipsius Episcopi de cetero capiendis, vos aut aliquem vestrorum nullatenus intromittatis, sub periculo incumbenti.

Teste, prefato Justiciario apud Dubliniam, xxvii die Januarii [A.D. 1372-4].—Per petitionem de Parlamento.”

[2.] “Extenta de Irestoun, juxta Kilkenniam, parcella temporalium episcopatus Ossoriensis, coram N. Macclesfelde, Locum tenente Thesaurarii Hibernie, Johanne Lumbard, et Thoma Taillour, Commissionariis Domini Regis, ad omnia terras et tenementa, in manu Domini Regis in comitatu Kylkennie existentia, extendenda assignatis, apud Kylkenniam, die Veneris proximo post festum Decollationis S. Johannis Baptiste, anno regni Regis Ricardi secundi xxii, per subscriptos, videlicet :

Hug: Sauage, Galf: Smýth, Joh: Bygdon, Joh: Coterell, Adam Sprot, Hen: Deverous, Ric: Langdon, Tho: Balý, Will: Costard, Joh: Monnethan, Ran: Purcell, Hen: Serman, Robert Ragyde, Simon Ragýde, Thom: Cokeston, Joh: Pryke, David . . .

Qui jurati dicunt super sacramentum suum : Quod est unum manerium juxta Kylkenniam parcella temporalium episcopatus Ossoriensis, quod nominatur Oldcourt, quod nichil valet per annum, quia humo prostratur. Et dicunt quod est ibidem dimidia carucata terrarum dominicalium de quibus xv acre terre culte quarum quilibet acra valet per annum vi.d. et residuum jacet vastum et nil valet per annum propter defectum tenentium. Item, dicunt quod sunt duo cotagia ibidem, parcella glebe ibidem, valent per annum vii.s. Item, dicunt quod redditus burgagii ibidem valent per annum ad presens ix.li. et reddere solebant episcopis, qui pro tempore erant, xi.li. v.s. i.d. ob. Item, dicunt quod tolmeta ibidem valent per annum (*oblit.*) Item, dicunt quod (*oblit.*) curie et hundredi valent per annum ii.s. Item, dicunt quod sunt duo molendina ibidem (*oblit.*) et valent per annum ultra reparationes xl.s. Et dicunt quod est unum mesuagium (*oblit.*) temporalium predictorum, in manu Domini Regis in quo manet” (*oblit.*)

Fol. 77b.

¹ William Tany, Chancellor, Ireland, 1372-4.

ARCHIVES OF
THE SEE OF
OSSORY.

XIII.

STATEMENT BY OLIVER CANTWELL, BISHOP OF OSSORY, A.D. 1510.

Fol. 57.

"Universis alme Matris Ecclesie filiis presentem continentiam literarum visuris, lecturis, vel auditoris, ac illi vel illis, quem sive quos infrascriptum tangit negotium vel tangere poterit quomodolibet in futurum, quibuscunque censeantur nominibus, Oliverus,¹ permissione Divina, Episcopus Ossoriensis, salutem et presentibus fidem adhibere indubiam.² Quum ea que in iudiciis vel extra peraguntur oblivionis vicio obvelantur nisi per scripture memoriam que contrahencium pariter et contendencium vota in evum conservata roboris acceperint firmitatem, ad vestre universitatis noticiam deduci volumus, et deducimus per presentes, qualiter comparente coram nobis in ecclesia cathedrali Ossoriensi, diebus et anno infrascriptis, probo viro, Willelmo Asbolde, nostro et ville nostre Hibernicane pro tunc Preposito, testes quamplures se decuit senes valetudinarios et debilitate confectos habuisse, timens non immerito mortem eorundem et diutinam absentiam, nostrum in hac parte officium rogavit, quatenus eosdem testes recipere et in forma juris ad eternam et perpetuam rei memoriam, ne copia sibi deesse probationis in posterum valeat, examinare et publicare dignaremur.

"Nos vero intelligentes quod juste petentibus non sit denegandus assensus, eosdem testes decrevimus fore examinandos hujusmodi super articulo, videlicet, quod subditi et tenentes nostre ville de Irystun, per tempora quorum in contrarium memoria non existit, consueverunt mercimonia quecunque vendere et commutare, carnes in eorum macellis lacerare et extimare publice, absque alicujus contradictione Superioris ville Kilkenniae, sine customagio vel muragio quibuscunque.

"Willelmus Herforth, primus testis, edicto citatorii generalis omnium et singulorum hujusmodi examinatione interesse pretendendum premissis, tactis per eum sacrosanctis Dei Evangelis in animam suam, etatis lxxx annorum, deponit articulum continere veritatem, quia temporibus Reverendorum Episcoporum³ bone memorie Thome Barre, David Hacket, Johannis Hedyan et Oliveri, moderni, continuam moram fecit in villa Hibernicorum; et vidit Mauricium Staffarde, Johannem Flemyng, Thomam Asbold, mercatores, mercimonia publice, ut in articulo, necnon et carnifices, videlicet, Johannem Monsell, deinde Thomam Kelly, cum aliis diversis, carnes in macilla Hibernicane ville respective vendentes et lacerantes, sine alicujus Superioris ville Kilkennie pro tempore existentis contradictione aut impedimento, usque ad presentem controversiam, sine customagio vel muragiis. Mauricius Ofogirty, secundus testis, similiter juratus, concordat predictum articulum continere veritatem; qui vidit Thomam Kelly, David Oclowan, Tadeum Ohwolaghan et alios carnifices. Item, vidit Thomam Asbold et Thomam Langtun, mercatores, in eorum opellis respective, ut predictur, carnes lacerantes, et mercimonia (*sic*) publice, sine alicujus contradictione, sive muragio vel customagio. Robertus Brown similiter examinatus concordat cum preconteste in omnibus premissis, quia in villa Hibernicana manens sic vidit et audivit. Dermicius Obrenane, clericus, etatis lx annorum, juratus ut supra, concordat cum precontestibus in omnibus premissis. Receptione eorum facta xx die Octobris, anno Domini millesimo

¹ Oliver Cantwell, Bishop of Ossory, 1487-1526-7.

² Ms. indistinct.

³ Bishops of Ossory: Thomas Barry, 1428-59; David Hacket, 1460-78; John O'Hedian, 1479-86.

cccc decimo. Receptione quorum aliorum testium in Sabbatum proximum post festum Symonis et Jude. Nicholas Whyt, Rector Callane, similiter juratus deponit, quod a tempore quo incepit esse cum David Hackyt supradicto usque ad tempus presentis controversie sic vidit premissa publice et pacifice. Dominus Dermicius Oclery, Vicarius de Callan, concordat cum eodem quoad carnifices et mercatores sine aliquo impedimento. Alsona Hunth deponit, quod fuit servitrix in domo et curia Episcopi Barry, cum sua matre, tunc domestica Episcopi, et exinde non vidit alienjus contradictionem premissis. Johanna Connowe¹—”

ARCHIVES OF
THE SEE OF
DUBLIN.

ARCHIVES OF THE MUNICIPAL CORPORATION OF
WATERFORD. BY JOHN T. GILBERT.

MUNICIPAL
ARCHIVES OF
WATERFORD.

THE most remarkable of these documents is an ancient illustrated charter roll, the only one of its age and class known to be extant in connexion with Ireland. The body of this roll, containing the written matter, consists of several pieces of vellum attached continuously to each other, and forming a whole of considerable length. The contents are transcripts, made apparently towards 1390, of Latin charters and legal instruments relative to the rights and privileges of the citizens of Waterford. The writing is much damaged and partly illegible. At the head is a coloured drawing, intended, no doubt, to represent the port of Waterford and the delivery of the keys of that city to Henry II. This drawing is greatly decayed, and under parts of it are discernible vestiges of writing over which the colours were laid. From the foot of the roll some membranes seem to be missing. To each side of the body of the roll there would appear to have been originally attached a continuous series of pieces of vellum many of which remain. These contain coloured drawings of full length figures, mostly of about ten inches in height, but without any names. The figure at head on the right side is in armour and probably designed for Earl Richard Fitz-Gislebert, under whose leading Waterford was captured by the Anglo-Norman adventurers. Abbreviated titles of documents on the roll appear in connexion with most of the other figures, which were evidently intended as representations of monarchs of England and their chief officials associated with charters and instruments issued to Waterford, commencing with King John and terminating with Edward III.² John, in white doublet and hose, holds a falcon; the feet of one of the kings rest on a recumbent dog; another king, probably Edward I., is on horseback; Edward III. is represented, with crown and sceptre adorned with fleur-de-lis, seated between two towers. Henri de Loundres, Archbishop of Dublin, Justiciary of Ireland in the early part of the thirteenth century, is depicted in pontifical vestments, with mitre, crozier, and gloves. Of the other officials here represented two may be assumed to be Sir John Moriz and Sir William de Windesore, deputy governors in Ireland for Edward III. In one of the lateral pieces, divided into four compartments, the Mayors of Dublin, Waterford,

¹ The remainder of this document is not in the Ms.

² John's charter to Waterford was dated June 3, 1205. Charters to Waterford were issued as follows by his successors: Henry III., 1232 and 1268; Edward I., 1273 and 1277; Edward II., 1310; Edward III., 1356, 1363, 1371, 1374, 1375, and 1377.

Cork, and Limerick are represented, on a scale smaller than that of the other figures. The Mayors are attired in blue and red. Most of the figures on the roll are well drawn and coloured, as well as ornamented with gilding.¹ They are, however, in general, much decayed and obliterated in parts. No information is accessible in relation to the circumstances under which this roll was executed. It may have been produced in connexion with the visit of Richard II. to Waterford in 1394. From him the city had received valuable grants in 1380, 1381, 1385, and 1388. None of these appear upon this roll, but they may have been entered on the membranes now missing, and, with any ornamentation the document contained in honour of Richard, they may have been removed after his deposition from the throne of England in 1399. The execution of the roll must, in its day, have been attended with much expense, and may have been the work of artists of the class of those who in the fourteenth century painted the subjects on glass in Kilkenny Cathedral, the beauty of which has been highly praised.

The volume styled the "Great Parchment Book" may, from the extent and character of its contents, be regarded as the most important of the archives of the city of Waterford, in an historical point of view. It consists of upwards of two hundred leaves of parchment, fifteen and a half inches in length and eleven inches in breadth. The binding is of oaken boards, covered with dark coloured leather. The writing in the book is of various periods, commencing apparently towards the close of the fifteenth and terminating about the middle of the seventeenth century. The only ornamentation in the early part of the manuscript consists of some inartistically rubricated initial letters and colophons. In the subsequent portion of the volume the headings of the pages containing the annual records of the names of the Mayors and bailiffs or sheriffs are in large black letters, occasionally with ornamental initials. The most elaborate of these pages, which is that for the year 1566, has been reproduced among the "Facsimiles of the National Manuscripts of Ireland."² It contains, in combination with its large initial letter in the word "Tempore," a small sketch of buildings at Waterford with the city's ancient Irish name "Portlainge;" also a galley, and marginal representations of the day of judgment, and the Blessed Virgin. A page, now imperfect, with entries for 1636 contains the remnants of some gilt initial letters and numerals. Rubricated initials appear on the pages for the years 1634, 1635, and 1637. Some entire leaves and portions of others are missing from the volume. All the contents of the book do not proceed in regular order, and they may be divided under the following heads:—

- I. Charters, petitions, returns of inquisitions and instruments relating to the rights and properties of the city of Waterford.
- II. Form for election of Mayor, with oaths for him and other officials.
- III. Tables of customs levied at Waterford, fees and amercements in city courts there, and the assize of bread.
- IV. Acts made in the civic assemblies from the fourteenth century to the reign of Henry VIII.
- V. Proceedings of the Waterford Corporation from the latter period to the year 1649, including admissions of freemen, and acts for regulating the public affairs of the city and citizens.

¹ Reproductions of figures from this roll appear on plates XXIV.—V. in Appendix to "Facsimiles of National Manuscripts of Ireland," Part IV. 2, London, 1884.

² Part IV. 2, Appendix; Plate XXVI., London, 1884.

The nature of the duties which the chief officials discharged is exhibited in the document printed in No. I. of our Appendix, and entitled "the order and manner of the election of Mayor and bailiffs and other officers and of their solemn oaths, with other many usages and consuetudes accustomed."

The elections of the Mayor and officials were made annually. The members of the Council, having attended at a mass of the Holy Ghost, solemnly sung, proceeded from church to the election at the Guildhall. The authority of the Mayor was sustained by various enactments, under one of which a fine of one hundred pounds or loss of the right hand was decreed against any person who shed his blood. An act of 1477-8 alludes to the great danger and peril in which the city stood "daily as well by the King's English rebels as his Irish enemies, environed round about." All the gates on the quays of the city at the same period were, by law, to be made fast at six o'clock on every evening from Michaelmas to Easter, and at nine o'clock during the remainder of the year, not to be opened till daybreak without licence from the Mayor.

The fees and amercements in the city courts and the murage and customs levied anciently at Waterford appear in the tables in Appendix Nos. II. and III. The particulars of the customs in the latter are stated in the manuscript to have been taken from ancient rolls¹ of Waterford, copied in 1474-76. The trade beyond Ireland, England, and Wales, appears to have been mainly with Flanders, Spain, and Portugal. "Other countries beyond sea" are also referred to. In Ireland the chief traffic of the Waterford citizens was with Callan, Carlow, Cashel, Clonmel, Fethard, Kilkenny, Kinsale, Ross, Wexford, and Youghal.

The principal commodities named are cloth, fish, frises, hides, iron, malt, mantles, pitch, resin, saffron, salt, silk, timber, wheat, wines, and wool. The "Assize of bread" is given in Appendix IV.

An Act of 1467 decreed that no alien born out of the dominions of the King of England should be received into the franchise of the city of Waterford unless he were a citizen's child born by chance "in any strange land." Every citizen and freeman "be he never so simple" was bound to have armour and sufficient "hand-weapons."

The earliest acts of the Waterford Corporation recorded in this volume are those from 1365-7 to 1524-5. They are in English of a somewhat peculiar character, and are comprised in two sets styled "Liber primus" and "Liber secundus," both of which will be found in our Appendix, Nos. V. and VI. A further collection subsequently made of "ancient customs" is given in Appendix VII.

After the collection of acts terminating in 1524-5, the manuscript contains a series of annual records commencing in 1526-7, of the proceedings of the Corporation in the elections of Mayors and officials, the admission of freemen, and the enactment of regulations. This series, in which there are some chasms, is carried down to the year 1649. The initial portions of the entries containing the names of the officials and of the persons admitted to the freedom of the city are in Latin, while the acts are in English. The early acts and ordinances in the two books above mentioned contain many matters illustrative of the internal and external relations of the Waterford community from the

¹ A document of 1483 in the MS. is stated to have been copied from an ancient memorandum book of the city of Waterford, called the "Common paper." See p. 272. The "Old redd register book of the city of Waterford" is referred to in an entry under the year 1599. MS. fol. 148b. See also Appendix IV., p. 291.

fourteenth to the sixteenth century. Some of the enactments by the citizens of Waterford exhibit the position which they maintained towards the native Irish people.

Under an act of 1384 a penalty was incurred by any dweller in Waterford who cursed, defamed, or "despised" a citizen by calling him "Irishman." Men or apprentices of Irish blood were not admissible to the franchise of the city until they had received a grant of liberty from the King of England and undertook to be of English "array, habit, and apparel." Pleading in the Irish tongue in the city court was prohibited, unless in exceptional cases. No child of any gentleman of "Irish rule" of the adjacent counties was to be fostered or kept in sojourn in the city unless the custodian found sufficient surety to indemnify the citizens against loss from "all men" who might sue or "make any challenge for" such child whatever fortune of him, while in the city. Intercourse was prohibited with any sept at war with the city. The Mayor and bailiffs were bound to seek redress from the "captains" or chiefs of districts in Kilkenny, Tipperary, and Wexford, in which damage was done to the person or goods of "any man, woman, or child of Waterford."

Foreigners dwelling in the city were obliged to wear gowns and to "go in English array." The alienation of cross-bows, arrows, and guns, great or small, was prohibited by act of 1480-1. By an enactment of 1484-5, fines were decreed against breakers of glass windows in churches or chapels. Freemen not maintaining households in the city were to be amerced annually till they should "be married and keep hospitality." Regulations were also made in relation to the old and laudable custom of the city of holding "drinkings" on the six Sundays of Lent, and which appear to have been restricted to members of the municipal council. The arrangements in connexion with the establishment of guilds are exhibited in enactments¹ of the fifteenth century, while those of later date appear in the charter printed in Appendix X.

In the entries of the affairs of the city in the sixteenth century² are included notices of the arrival there of officials and soldiery from England

¹ A.D. 1485-6, Nos. CXVI.-XVII., in Appendix V., pp. 319-20.

² Stanihurst, in the sixteenth century, wrote as follows in relation to Waterford:—
"This citie is properlie builded and verie well compact, somewhat close by reason of their thicke buildings and narrow streets. The haven is passing good by which the citizens through the intercourse of foren traffike in short space attaine to abundance of wealth. The soile about it is not all of the best, by reason of which the aire is not verie subtile, yea nathelasse the sharpnesse of their wittes seemeth to be nothing rebated or duld by reason of the grossnesse of the aire. For in good sooth the townesmen, and namelie students, are pregnant in conceiving, quicke in taking and sure in keeping. The citizens are very heedie and warie in all their publike affaires, slow in the determining of matters of weight, loving to looke yer they leape. In choosing their magistrate they respect not onlie his riches, but also they weigh his experience. And therefore they elect for their Maior neither a rich man that is yong nor an old man that is poore. They are cheerful in the intertainment of strangers, hartie one to another, nothing given to factions. They love no idle bench-whistlers, nor luskish faitors: for yong and old are wholie addicted to thriving, the men commonlie to traffike, the women to spinning and carding. As they distill the best aqua vite, so they spin the choiest rug in Ireland. A friend of mine being of late demurrant in London, and the weather by reason of an hard hoare frost being somewhat nipping, repaired to Paris garden, clad in one of these Waterford rugs. The mastiffs had no sooner espied him, but demeing he had beene a beare, would faine have baited him. And were it not that the dogs were partly muzzled and partly chained, he doubted not but that he should have been well tugd in this Irish rug; whereupon he solemnlie vowed never to see beare baiting in anie such weed." "The second volume of Chronicles collected by Raphaell Holinshed." London, 1586, p. 24.

for service in Ireland. Details are also given of the assistance which Waterford afforded to the administrators of the government of Queen Elizabeth in wars with the Irish. An enactment made at Waterford in 1539 relative to attire will be found in Appendix VIII.

The charters granted to Waterford by Elizabeth in 1574 and 1582-3 are entered in full in the manuscript, which does not, however, contain a copy of that from Charles I. in 1626. The preamble to the latter set forth that the city of Waterford was an ancient city, that its inhabitants and citizens from its first foundation and the reduction of the kingdom of Ireland to the obedience of the kings of England and continuously from that time, had been of civil conversation, endowed with good learning and generous manners, and apt and diligently intent upon the art of merchandize, that they were sprung from English stocks and to that day retained English surnames; that the city in past times had been honored with the personal residence of Henry II. and John, kings of England, and that for faithful services, often happily done to the kings and their crowns, they in some old charters granted among other ensigns of honour that the city should be called "Urbs intacta" and "Camera Regis."¹ The original of this charter, in Latin, is preserved among the Waterford archives.

The "Parchment Book" does not contain any documents of the Ostmen or descendants of the early Norse settlers in Waterford. Some of them aided Henry II. on his arrival there; and the assertion of their rights in the early part of the fourteenth century formed the subject of legal proceedings, the record of which is still extant. It is to be observed that important events which occurred at Waterford during the period over which the contents of the volume extend are unnoticed in the "Parchment Book." It contains no record of the expeditions made to Waterford by Richard II. in 1394 and 1399. The second of these formed portion of the subject of a contemporary French poem, which includes among its illustrations a drawing elegantly colored and gilt, in which is depicted the arrival of ships at Waterford with provisions for the royal army.² The "Parchment Book" furnishes no details of the energetic measures taken by the citizens in the reign of Henry VII. against the adherents of Lambert Simnel and Perkin Warbeck, whence the designation of "Urbs intacta" was applied to Waterford. There is not any notice in the volume as to the circumstances under which Waterford was occupied in 1641 by the Irish Confederates, of which some vivid particulars were given in the letters³ written on the spot by Mrs. Briver, wife of the Mayor. In the subsequent years till 1649, Waterford was under the rule of the Irish Confederation, but this manuscript during that period furnishes little more than the names of some of the civic officials, and of

¹ "Animo nostro recolentes quod civitas predicta est antiqua civitas, et quod inhabitantes et cives civitates predictae a prima fundatione ejusdem et subjugationis predicti regni Hibernie in fidem regum Anglie, et continuo abinde, fuerunt civilis conversationis, bonis literis, moribusque generosis imbuti, et ad artem mercatoriam apti et diligenter intenti; et quod a familiis et stirpibus Anglicanis orti sunt et cognomina Anglicana in hunc diem retineant; quodque civitas hec, temporibus retroactis, personali residencia regis Henrici Angliæ, ejus nominis secundi, et Johannis, regis Angliæ, honorata; et pro fidelibus serviciis ad reges Angliæ et coronas suas feliciter multoties actis, in aliquibus antiquis chartis et indultis hec insignia honoris inter alia obtinuerit, ut civitas predicta appelletur 'Urbs intacta' et 'Camera Regis.'"

² Harleian MS. 1319. British Museum. Reproduced in Plate XXXIII. of Part III. of "Facsimiles of National Manuscripts of Ireland." London, 1879.

³ See "History of the Irish Confederation and War in Ireland, 1641-3." Dublin, 1882.

MUNICIPAL
ARCHIVES OF
WATERFORD.

persons admitted to the freedom of the city. Among the latter were the following who had close relations with the Confederation, although no reference to that circumstance appears on record in the manuscript: Richard Bellings, Secretary of the Supreme Council; Carlo Francesco Invernizio, chief priest of Milan Cathedral; Pietro Francesco Scarampi, Papal Delegate to Ireland; Edward Tirrell, D.D., Agent to Louis XIV. from the Confederation; Diego de la Torre, envoy from Spain to the Confederates; Edward, Earl of Glamorgan, subsequently Marquis of Worcester, and his brother, Lord John Somerset.

The last entries in the manuscript in relation to the election of the Mayor and admissions to the franchise are those for 1649. In that year Waterford was ineffectively besieged by Oliver Cromwell, and in August 1650 it surrendered to the forces of the Parliament of England under Ireton.

A calendar of the contents of the "Parchment Book of Waterford" and the extracts appended from the manuscript are now published for the first time.

CALENDAR OF CONTENTS OF ANCIENT REGISTER-BOOK OF CITY OF WATERFORD.

	Fol.
"Registrum et tabula istius libri": old table of portion of contents. Incomplete	1b ¹
A.D. 1541.—[33 Henry VIII.].—Peter Dobyn, Mayor, Robert Stronge and Robert Walssh, Bailiffs: Memorandum in relation to "the grant and fermes of the landes, tenancies, and thethes [tithes] of Kylkilling and of the late house of Gray Freres"	4
"Firma Jacobi Wodlock et consortium suorum" etc.: Memorandum, 31 March, 1542, on lease from "Maister Mayor, Bailiffs, and citisaynes" to James Wodlock, Edmund Sherlock, and John Nele, of "the town and town-place of Kylkyllyn," etc. with reservations to Mayor, Bailiffs, and citizens, in connection with "the Pill of Donkit," "the late house of Gray Freres" within Waterford, the setting of ferns and rushes, pasture of horses resorting with carriage at the bank, the conveying of "all manner laying and ballast stones and clay for the affairs of the city and suburbs"	"
Memorandum on lands held by Piers Butler, Earl of Ormonde and Ossory, deceased, and Margaret, his wife, from Dame Katherine Mothinge, Abbess of the late dissolved house of Killethin ² and the Convent of the same.—3rd May, 1535.—[27 Henry VIII.]	6b
Inquisition at Waterford, 18th September, 28 Henry VIII.—[A.D. 1536]—before William Lincoll, Mayor of that city and King's Escheator, etc. relative to the "Priore, Monasterie, house, hospital or cell of St. John's," near the city of Waterford	7
Inquisition at Waterford, 18th September, 28 Henry VIII.—[A.D. 1536] before William Lincoll, Mayor and King's Escheator, etc., relative to the same Priory, and to the claims on it by the Abbey of SS. Peter and Paul at Bath, and reference to Act of Parliament at Dublin, 1st May, 28 Henry VIII. [1536], before Leonard Grey, Lord Deputy of Ireland	7b

¹ Fol. 1a is blank.

² In County of Kilkenny.

Indenture, 13th December, 6 Edward IV. [A.D. 1466] between Mayor, Bailiffs, and Commons of the city of Waterford, and Thomas, Prior of the Cathedral Church of Bath and the convent of the same place, and all their tenants and parishioners of St. John the Evangelist, beside the said city of Waterford - 8b

Charter from John, Earl of Moretain: Protection for brethren of house of Hospital of St. John of Waterford. Witnesses: William de Weneval, etc.—Undated. [A.D. 1185–1199] - 9

Writ from Henry VIII., addressed to William Saint Loe, James White, and James Wodloke, of Waterford, relative to dissolution of Hospital of St. John the Evangelist, at Waterford.—Dated at Dublin, 12th June, 28 Henry VIII. [1536] - ”

Petition, in French, to King [Edward III.] and Council in England from Mayor and citizens of Waterford, commencing as follows: “A lor tres resdoute seigneur, nostre seigneur le Roy, et a son tres sage counsaill: Monstrount vos pour[e]s leges, Maire et citteseines de sa citte de Waterford en Ireland,” etc. The petitioners, in consideration of their various losses and reduced state, apply to have granted to them for ten years the issue of the custom styled “coket,” and remission of £16 8s. 4d. per annum out of their yearly rent to the Crown.—Undated. [A.D. 1371–2] - 9b

Writ of Edward III., dated at Westminster, 30th March, 49th year [A.D. 1375] addressed to Stephen, Bishop of Meath, and John Kepoc, Justices of Pleas in Ireland, and William Ilger, Escheator of Ireland, on petition from Mayor, etc. of Waterford - ”

Inquisition at Kilkenny, by twenty-four jurors, before Stephen, Bishop of Meath, John Kepoc, and William Ilger, Escheator of Ireland, on Saturday after the feast of the Holy Trinity, 49 Edward III. [A.D. 1375.] Incomplete - ”

Exemplification, by John Moriz, Deputy of John Darcy, Justiciary of Ireland, at Dublin, 2nd of April, 17 Edward III. [A.D. 1343] of inspeximus of charter of Edward I. to Hospital of St. John the Baptist and Hospitallers of St. John of Jerusalem, dated at Winton, 20th June, 37 Henry III. [A.D. 1253]; Inspeximus of charter of Henry III. of protection to the Hospitallers of Jerusalem, dated at Winton, 23 June, 37 Henry III. [A.D. 1253]. Confirmed by Edward I. at Westminster, 8th June, eighth year [A.D. 1280]: Also the following confirmations of same grant: York, 30th June, 1 Edward II. [A.D. 1308]; Chertsey, 20th September, 2 Edward II. [A.D. 1308] - 11

Exemplification, at Westminster, 14th May, 36 Edward III. [A.D. 1362] of petition in French from Mayor and Commonalty, of the city of Waterford - 12

Writ from Edward III., Westminster, 1st April, twenty-sixth year [A.D. 1352] addressed to Prior and Hospital of St. John of Jerusalem in Ireland, relative to encroachments on the King's prerogatives - 12b

Letters Patent, dated Dublin, 8th May, thirteenth year of Edward IV. [A.D. 1473].—Containing inspeximus of pleas at Dublin before Sir Robert Dovedall and Robert FitzRery, “gentilman,” Chief Justice of the King's Bench in Ireland, in Michaelmas

	Fol.
term, 12 Edward IV., in relation to customs and franchises in Thomastown, Inistioch, St. Mullins, Ross, etc. Recital of charters and records of reigns of Henry III., Richard II., and Henry VI. -	13
Charter from Edward IV., 30th July, fourteenth year [A.D. 1474], granting to Mayor, Bailiffs, and citizens of Waterford ten pounds per annum out of fee-farm of city - - -	19
Charter of Edward IV., dated at Westminster, 5th August [A.D. 1474], fourteenth year, granting to Mayor, Bailiffs, and citizens of Waterford permission to appoint two Commissioners to state their accounts annually, with immunity to the Mayor, etc. -	196
"What fees due to the Water Balyff: By vertue of a warrant directed unto us, the undernamed, ¹ by the Right Worshipful John Sherloke, Esq., Maior of the cittie of Waterford, bearinge date the 17th of October, 1618, for the excessive duties and fees of corne and saulte taken by Dominicke Lynch, Waterbailiffe of Waterford, of shippes and barkes of corne and saulte that comes to this cittie of Waterford, we have duily and truly examined and perused the said fees, which wee thought good to certifie under our hands as foloweth, dated the eighteenth of October, 1628" - -	20
Order and manner of election of Mayor, Bailiffs, and other officers, with oaths of the following: Mayor, Sheriffs, Bailiff-Receiver, Recorder, four Sergeants, Water-Bailiffs, Jailer, Constables, Members of the Council, Measurers, Porters, Porters of the Gates, Water-Bailiff at Passage, Aldermen and Jurats, Town Clerk, Auditors, Surveyors, Clerks of Corn Market, and Justices of the Peace.—Appendix I. - - -	21 ²
Fees and amercements of city Courts, Waterford.—Appendix II.	28
Murage and ancient customs levied at Waterford.—Appendix III. - - -	30
Regulations, A.D. 1483-4, for assize and weight of bread within the city of Waterford.—Appendix IV. - - -	306
Memorandum of agreement between Mayor and Commons of Waterford and James Sherloke, "cittisaine of the same," in relation to land in county of Waterford: "Tempore Jacobi Rice, Maioris, Johannis Lincoll et Henrici Fagan, Ballivorum civitatis Waterfordie, anno regni Regis Henrici Septimi primo, anno Domini 1483:—Vera copia extracta ex antico libro memorandorum civitatis Waterfordie vocato le Commone paper, examinata et exemplificata per subscriptos: "—Richard Strange, Mayor, etc.	316
Order, in Michaelmas term, 1629, by Privy Council, Dublin, in relation to fees to be paid to officers of Exchequer by the Sheriffs of Waterford, on passing their accounts ³ - - -	326
Act by Mayor and citizens of Waterford, dated 1st June, thirty-sixth year of Elizabeth [A.D. 1594], for constitution of Guild of Glovers, Shoemakers, etc. - - -	34
Act by Mayor, Sheriffs, and citizens of Waterford, 1626, for incorporating Guild of Tailors, Saddlers, Hat-makers, Haberdashers, Hosiers, "Broducers," and Button-makers, resident within the city of Waterford.—Appendix X. - - -	366
Order, by Adam, Lord Viscount Loftus of Ely, Lord Chancellor of Ireland, Chief Judge of the High Court of Admiralty, directing	

¹ Alexander Leonard, John Skiddy, Thomas White, and John Ley.² The leaf following fol. 21 was not numbered in the original. It is hereafter referred to as 21*.³ Leaf 33 is missing.

Sir John Crosbie to take charge of the ship called "the three Kings of Enchusen," then in the port of Waterford, with company of twenty-eight men. Dated 24th September, 1629	-	38
Order, dated, at the Castle of Dublin, 8th August, 1631, by Adam Loftus and Richard, Earl of Cork, Lords Justices, prohibiting detention of Patrick Sherloke, who was to be examined at Waterford in suit between the Baron of Kearie [Kerry] and Lighsnæ [Lixnaw] and the Lady of Kearie, his mother-in-law, and his children	-	39
Act by Mayor and Sheriffs of Waterford, in their "public Dernhundred," before the feast of Easter, for incorporating Guild of "cotners, shermen, tuckers, clothiers, and diers," residing within the city of Waterford and its liberties. Dated 2nd May, 1632	-	39b ¹
"Liber Primus:" First book of Acts and statutes of the city of Waterford, A.D. 1365-7-1524-25.—Appendix V.	-	42
A.D. 1526-7.—[18 Henry VIII.]—John Morgan, Mayor, William Lyncoll and John Lumbard, Bailiffs.—Acts	-	67
A.D. 1529-30.—[21 Henry VIII.]—James Sherlok, Mayor, John Sherlok and Thomas Lumbard, Bailiffs.—Acts	-	67b
A.D. 1530-31.—[22 Henry VIII.]—John Morgan, Mayor, William Lyncoll and Edward Sherlok, Bailiffs.—Acts	-	68
A.D. 1533-4.—[25 Henry VIII.]—William Wise, Mayor, James Wodlock and Peter Dobynn, Bailiffs.—Acts	-	68b
A.D. 1534-5.—[26 Henry VIII.]—George Sherloke, Mayor, James Walshe and Edward Sherloke, Bailiffs.—Acts	-	69
A.D. 1535-6.—[27 Henry VIII.]—William Lyncoll, Mayor, Peter Dobyne et Thomas Sherloke, Bailiffs.—Acts	-	69b
A.D. 1536-7.—[28 Henry VIII.]—Thomas Lumbard, Mayor, John Butler and James Madan, Bailiffs.—Acts	-	69* ²
A.D. 1538-9.—[30 Henry VIII.]—Edward Sherloke, Mayor, John Butler and Thomas Sherloke, Bailiffs.—Acts	-	69*b
A.D. 1541-2.—[33 Henry VIII.]—Peter Dobyn, Mayor, Robert Stronge and Robert Walsh, Bailiffs.—Acts	-	"
A.D. 1542-3.—[34 Henry VIII.]—James White, Mayor, Nicholas Leus and Thomas Graunt, Bailiffs.—Acts and admissions	-	70
A.D. 1543-4.—[35 Henry VIII.]—William Lyncoll, Mayor, Robert Walsh and William Maddan, Bailiffs.—Admissions	-	70b
A.D. 1544-5.—[36 Henry VIII.]—Edward Sherlock, Mayor, Maurice Wise and Henry Walsh, Bailiffs.—Admissions	-	71
A.D. 1546-7.—[38 Henry VIII.]—Peter Dobyn, Mayor, Thomas Grant and William Lumbard, Bailiffs.—Admissions	-	71b
A.D. 1546-7.—1547-8.—[1 Edward VI.]—James Walssh, Mayor, Thomas Wise and William Maddan, Bailiffs.—Admissions	-	"
A.D. 1547-8.—1548-9.—[2 Edward VI.]—James Madan, Mayor, Maurice Wise and Nicholas Leeos, Bailiffs.—Admissions	-	72

¹ Fol. 41 is missing.² Between leaves 69 and 70 is a leaf above referred to as 69*. Leaves 68 to 93 bear an additional old numeration extending from 27 to 73.

	Fol.
A.D. 1548-9.—1549-50.—[3 Edward VI.]—Thomas Sherlock, Mayor, James Wodlok and Thomas Grant, Bailiffs.—Admissions	72
A.D. 1549-50.—1550-51.—[4 Edward VI.]—Walter Cowle, Mayor, Thomas Wise and John Sherlok, Bailiffs.—Admissions	72b
A.D. 1550-51.—1551-2.—[5 Edward VI.]—David Walshe, Mayor, James Wodloke and James Walshe, Bailiffs.—Admissions ¹	73
A.D. 1551-52.—1552-53.—[6 Edward VI.]—Peter Dobben, Mayor, Peter Stronge and John Wise, Bailiffs.—Admissions	73b
A.D. 1550-51.—1551-52.—[5 Edward VI.]—David Walshe, Mayor, James Wodlocke and James Walshe, Bailiffs.—Acts	74
“The othe of the Craftis” of the city of Waterford	74b
A.D. 1551-52.—1552-53.—[6 Edward VI.]—Peter Dobbin, Mayor, Peter Stronge and John Wise, Bailiffs.—Acts	75
A.D. 1553-4.—[1 Mary.]—James Madan, Mayor, John Nele, and Peter Walshe, Bailiffs.—Admissions	76b
A.D. 1554.—[1 and 2 Philip and Mary.]—Maurice Wise, Mayor, Peter Aillward and John Sherloke, Bailiffs.—Admissions and Acts	”
A.D. 1555.—[2 and 3 Philip and Mary.]—Robert Walshe, Mayor, John Wyse and Paul Lombard, Bailiffs.—Admissions	81b
A.D. 1556.—[3 and 4 Philip and Mary.]—Henry Walshe, Mayor, Peter Walshe and James Walshe, Bailiffs.—Admissions ²	82
A.D. 1557.—[4 and 5 Philip and Mary.]—Peter Dobben, Mayor, John Nele and James Grant, Bailiffs.—Admissions	82b
A.D. 1558.—[5 and 6 Philip and Mary.]—Maurice ³ Wise, Mayor, James Lumbarde and Philip Quemerford, Bailiffs.—Admissions	83
A.D. 1559.—[1 Elizabeth.]—John Sherlok, Mayor, Nicholas Lombarde and Richard Lucker, Bailiffs.—Admissions, acts, and “the oth of the wards and sub-wards of the cittie of Waterford and subburbs of the same”	83b
A.D. 1560.—[2 Elizabeth.]—Peter Stronge, Mayor, James Lombarde and James Grant, Bailiffs.—Admissions	85b
A.D. 1561.—[3 Elizabeth.]—John Wise, Mayor, James Walshe and Paul Lombarde, Bailiffs.—Admissions	86b
A.D. 1562.—[4 Elizabeth.]—James Walshe, Mayor, John Nele and Patrick Dobben, Bailiffs.—Admissions and Acts	87
A.D. 1563.—[5 Elizabeth.]—Henry Wise, Mayor, Nicholas Lumbarde and James Madan, Bailiffs.—Admissions	88b
A.D. 1563.—[5 Elizabeth.]—Peter Walshe, ³ Mayor, Nicholas Lumbarde and James Madan, Bailiffs.—Admissions	”
A.D. 1564.—[6 Elizabeth.]—James Walshe FitzRoberde, Mayor, James Butler and James Sherlok, Bailiffs.—Admissions and Acts	89

¹, ² The lower halves of leaves 73 and 82 have been cut away.³ Elected on death of Wise, in December 1563.

	Fol.	MUNICIPAL ARCHIVES OF WATERFORD.
A.D. 1565.—[7 Elizabeth.]—John Nelle, Mayor, John Madan and Peter Sherlok, Bailiffs.—Admissions - - -	89b	
A.D. 1566.—[8 Elizabeth.]—Peter Aylward, Mayor, George Wyse, and Nicholas Lumbard, Bailiffs. ¹ —Admissions, Acts, and charter to Waterford from Queen Elizabeth, dated 8th of February 1568—9 - - -	91	
A.D. 1567.—[9 Elizabeth.]—Patrick Doben, Mayor, James Lumbard and Philip Quemerford, Bailiffs.—Admissions ² - -	97	
A.D. 1568.—[10 Elizabeth.]—Nicholas Lumbarde, Mayor, James Sherlock FitzJohn, and James Sherlock FitzThomas, Bailiffs.—Admissions and Acts - - -	98	
A.D. 1569.—[11 Elizabeth.]—Peter Walshe, Mayor, James Butler and John Lionarde, Bailiffs.—Admissions - -	102	
A.D. 1570.—[12 Elizabeth.]—Philip Quemerford, Mayor, Peter Sherlocke and Nicholas Ley, Bailiffs.—Admissions and Acts -	103	
A.D. 1571.—[13 Elizabeth.]—George Wise, Mayor, Thomas Wise and James Lincoll, Bailiffs.—Admissions - -	104	
A.D. 1572.—[14 Elizabeth.]—James Madan, Mayor, Richard Strang and Patrick Quemerford, Bailiffs.—Admissions -	104b	
A.D. 1573.—[15 Elizabeth.]—James Sherlocke FitzThomas, Mayor, James Sherlocke FitzJohn and Thomas Leus, Bailiffs.—Admissions - - -	"	
A.D. 1575.—[17 Elizabeth.]—James Walsh FitzRobert, Mayor, Patrick Quemerforde and Robert Walsh FitzPeter, Sheriffs. ³ —Admission and Acts - - -	105 ⁴	
"Liber Secundus": Second Book of Waterford "Ordinances." 1407—8—1464—5.—Appendix VI. - - -	107	
Ancient Customs in the City of Waterford.—Appendix VII. -	110	
A.D. 1576.—[18 Elizabeth.]—James Butler, Mayor, Richard Strang and Nicholas Ley, Sheriffs.—Admissions ⁵ - -	113b	
Charter to the city of Waterford from Queen Elizabeth. Dated at Goramby, 16th July, sixteenth year [A.D. 1574] - -	"	
A.D. 1576.—[19 Elizabeth.]—Peter Sherlok, Mayor, Edward Walsh and John Leonard, Sheriffs.—Admissions - -	115b	
A.D. 1576, October 27.—Order, "by the Maier of the citie of Waterforde, Admirall of the great Port and haven of the same," prohibiting the sale of fish except at the quays of Waterford and Ross - - -	116	
A.D. 1577.—[20 Elizabeth.]—Peter Ailwarde, Mayor, James Lumbard and Patrick Comerforde, Sheriffs.—Admissions and Acts - - -	116b	
A.D. 1578.—[20 Elizabeth.]—Patrick Walsh, Mayor, Thomas Wise and Robert Walsh FitzPeter, Sheriffs.—Admissions -	119	
A.D. 1579.—[21 Elizabeth.]—Patrick Dobben, Mayor, John Leonard and Nicholas Quemerforde FitzPhilip, Sheriffs.—No entries on this page, except the heading with these names ⁶ -	119b	

¹ A reproduction of fol. 91 appears in the Appendix to "Facsimiles of National MSS. of Ireland." Part IV. 2. London, 1884.

², ⁴ The lower halves of leaves 97 and 106 have been cut away.

³ The sheriffs were constituted under the charter of Queen Elizabeth, in 1574.

⁵, ⁶ Leaves 112 and 120 are missing.

A.D. 1581. — [23 Elizabeth.] — Richard Strange, Mayor, Nicholas Quemerforde FitzPhilip and Edward Quemerforde, Sheriffs.—Admissions - - - - -	121
Charter from Queen Elizabeth to Mayor, etc. of Waterford. Dated at Westminster, 12th March, twenty-fifth year [A.D. 1582-3] ¹ - - - - -	121b
A.D. 1591.—[32 Elizabeth.]—James Sherlock FitzJohn, Mayor, Nicholas Wise and Richard Madan, Sheriffs.—No entries on this page, except the heading with these names - - - - -	130
A.D. 1592.—[33 Elizabeth.]—John Lionarde, Mayor, Balthazar Wodlock and Thomas Whit, Sheriffs.—Admissions and Acts - - - - -	131
A.D. 1592. — [34 Elizabeth.] — Richard Aylward, Mayor, Nicholas Wyse et Paul Strange, Sheriffs. No entries on this page, except these names - - - - -	132b
A.D. 1593, April 27.—Acts in Easter Dernhundred - - - - -	133
A.D. 1593.—[35 Elizabeth.]—Patrick Morgan, Mayor, Thomas White and George Quemerforde, Sheriffs.—No entries on this page, except the heading with these names - - - - -	134
A.D. 1594.—[36 Elizabeth.]—Paul Sherlok, Mayor, Richard Madan and John Quemerford, Sheriffs.—Admissions and Acts - - - - -	135
A.D. 1595. — [37 Elizabeth.] — Thomas Wadding, Mayor, Robert Walsh FitzJames and James Lumbard, Sheriffs.—Admissions - - - - -	138
A.D. 1596.—[38 Elizabeth.]—James White, Mayor, Richard Madan and George Quemerford, Sheriffs. — Admissions and Acts - - - - -	140
A.D. 1597.—[39 Elizabeth.]—Paul Strange, Mayor, Thomas Wise and Thomas Walsh, Sheriffs.—Admissions and Acts - - - - -	142
A.D. 1598.—[40 Elizabeth.]—Thomas White, Mayor, James Lumbard and John Quemerford, Sheriffs. — Admissions and Acts - - - - -	144
A.D. 1599.—[41 Elizabeth.]—Richard Madan, Mayor, James Sherlock and William Baron, Sheriffs.—Admissions and Acts - - - - -	147
“The Rentaile and Langable rent of all lands appertayning to the bodie polliticke of the citie of Waterford, extract the seaventh day of January, 1599, annoque regni Regine nostre, Elizabethhe, que nunc est, quadragesimo secundo” - - - - -	149
“Lands in fee.”—“The Dean and Chapter.”—“Sainet Saviours chappell.”—Saint James [h]is chapple” - - - - -	149b
“Lands in lease within the citie.”—“John Wise FitzJames,” etc. - - - - -	153
“Lands at Berronstrond in lease” - - - - -	155b
“Lands in lease at Coldebeck” - - - - -	156
“The owt-lands” - - - - -	156b
A.D. 1600.—[42 Elizabeth.]—Edward Goeghe, Mayor, George Sherlock and Thomas Cnainsbrowgh, Sheriffs.—Admissions - - - - -	159b
A.D. 1601.—[43 Elizabeth.]—Robert Walsh, Mayor, Nicholas Madan and Walter Sherlock, Sheriffs.—Admissions and Acts - - - - -	161

¹ Leaves 123 to 129, inclusive, are missing.

A.D. 1602.—[44 Elizabeth.]—Robert Welsh, Mayor, David Walsh and Michael Browne, Sheriffs.—Admissions ¹	-	-	162b
A.D. 1603.—[1 James I.]—James Sherlok, Mayor, Thomas Strange and James Lyvett, Sheriffs.—Admissions and Acts ²	-	-	163b
A.D. 1604.—[2 James I.]—George Sherlok, Mayor, Richard Wadding and Robert Strange, Sheriffs.—Admissions and Acts	-	-	165
A.D. 1605.—[3 James I.]—Richard Ailward, Mayor, James Bryver and James Walsh, Sheriffs.—Admissions and Acts	-	-	167
A.D. 1606.—[4 James I.]—Paul Sherlock, Mayor, George Lea and John Browne, Sheriffs.—Admissions ³	-	-	168b
A.D. 1606.—[4 James I.]—Stephen Leonard, Mayor, George Lea and John Browne, Sheriffs.—No entries on this page, except the heading with these names	-	-	169
A.D. 1606.—[4 James I.]—Nicholas Wyse, Mayor, George Lea and John Browne, Sheriffs.—No entries on this page, except the heading with these names	-	-	169
A.D. 1606.—[4 James I.]—Thomas White, Mayor, George Lea and John Browne, Sheriffs.—No entries on this page, except the heading with these names	-	-	169b
A.D. 1606.—[4 James I.]—Richard Aileward, Mayor, John Aylewarde and James FitzGerald, Sheriffs.—No entries on this page, except the heading with these names	-	-	170
A.D. 1607.—[5 James I.]—Thomas Strange, Mayor, Robert Strange and Robert Walsh, Sheriffs.—Admissions	-	-	170b
A.D. 1608.—[6 James I.]—Paul Sherloke, Mayor, John Browne and Alexander Cuff, Sheriffs.—Admissions	-	-	171
A.D. 1609.—[7 James I.]—Stephen Leonard, Mayor, Walter Sherloke and Nicholas White, Sheriffs.—Admissions	-	-	171b
A.D. 1610.—[8 James I.]—James Livett, Mayor, James Bryver and Alexander Leonard, Sheriffs.—Admissions	-	-	172
A.D. 1611.—[9 James I.]—Richard Wadding, Mayor, Richard Butler and William Lincoll, Sheriffs.—Admissions ⁴	-	-	172b
A.D. 1614.—[12 James I.]—Alexander Cuff, Mayor, James Walshe FitzMartyn et Michael Hore, Sheriffs.—No entries on this page, except the heading with these names	-	-	178
A.D. 1614.—[12 James I.]—Walter Sherlocke, Mayor, Jasper Wodlocke and Patrick Meyler, Sheriffs.—Admissions ⁵	-	-	178b
A.D. 1615.—[13 James I.]—Alexander, Leonard, Mayor, Solomon Strange and Robert Leonard, Sheriffs.—Acts	-	-	181
A.D. 1615.—[13 James I.]—Nicholas White, Mayor, James Wodlock and James Lombard, Sheriffs.—Admissions	-	-	182b
A.D. 1626.—[2 Charles I.]—James Woodlock, Mayor, Robert Leonard and Mathew Grante, Sheriffs.—Admissions	-	-	185
A.D. 1627.—[3 Charles I.]—Peter Ailward, Mayor, Bartholomew Lincoll and William Lincoll, Sheriffs.—Admissions	-	-	188
A.D. 1628, April 21.—Act in Easter Dernhundred relative to admitting apprentices	-	-	189

¹, ², ³ The upper portions of leaves 162, 163, and 168 are missing.⁴ Leaves 173 to 177, inclusive, are missing.⁵ Leaves 179 and 180 are missing.

A.D. 1628.—[4 Charles I.]—John Sherlocke de Gracedieu, Mayor, Paul Sherloke and John Lyuett, Sheriffs.—No entries on this page, except these names¹ - - - - 189b

A.D. 1629.—[5 Charles I.]—William Dobyn, of Ballymackill, co. Waterford, Mayor, John Fagan and William Cleere, Sheriffs.—Admissions - - - - 191

A.D. 1630.—[6 Charles I.]—Robert Wyse, of Credan, co. Waterford, Mayor, Thomas White and James Lumbard, Sheriffs.—Admissions - - - - 192

A.D. 1631.—[7 Charles I.]—James Walshe, of Waterford, Mayor, Thomas Mayne and Patrick White, Sheriffs.—Admissions 193

A.D.—1632.—[8 Charles I.]—Sir Thomas Sherloke, Mayor, Nicholas Browne and Andrew Wyse, Sheriffs.—Admissions - 194

A.D. 1633.—[9 Charles I.]—Thomas Goeghe, Mayor, Christopher Sherloke and Nicholas Strange, Sheriffs.—Admissions - 195

“Here followeth all such feffementes and fermes yeven oute by Maire and communes of the cite of Waterforde in perpetuite or for term of yeres” - - - - 196

In the entries under this head, extending from fol. 196a to fol. 210b, are dates and names of Mayors and Bailiffs of the city of Waterford, from John Malpas, Mayor, A.D. 1365–6—1366–7, to James Madan, Mayor, A.D. 1548.

Memoranda on messuages and lands set by the city of Waterford in the twenty-sixth year of Henry VIII. [A.D. 1534–5.] and the fourth year of Edward VI. [A.D. 1549–50.—1550–51.] - - 210b

A.D. 1634.—[10 Charles I.]—Richard Strange, Mayor, Matthew Grant and Gerald FitzGerald, Sheriffs.—Admissions² - 211

A.D. 1635.—[11 Charles I.]—John Skiddy, Mayor, William Lincoll and Gerald Lincoll, Sheriffs.—Admissions - 212

A.D. 1636.—[12 Charles I.]—[Richard Butler], Mayor, Francis Briver and Richard FitzGerald, Sheriffs.—Admissions³ - 213

A.D. 1637.—[13 Charles I.]—James White, Mayor, John Lyvet and Redmund FitzGerald, Sheriffs.—Admissions - 214

Agreement by John [Atherton], Bishop of Waterford and Lismore, Edward Parry, Dean of Waterford, and officials of Cathedral of Blessed Trinity, Waterford, in relation to repairs of that church.—Dated 4th of November, 1637 - - 215

A.D. 1638.—[14 Charles I.]—Nicholas Wise, Mayor, John Blueth and John Morgan, Sheriffs.—No entries on this page, except the heading with these names of the officials for the year - 216

A.D. 1639.—[15 Charles I.]—Robert Lombard, Mayor, Luke White and John FitzGerald, Sheriffs.—No entries on this page, except the heading, which contains the preceding names of the officials for the year - - - - 217

A.D. 1640.—[16 Charles I.]—Mathew Grant, Mayor, Mathew Porter and Henry White, Sheriffs.—Admissions - - 218

¹ Leaf 190 is missing.

² The leaves after 210 have no old agination.

³ The upper part of this leaf, containing name of Mayor, has been cut away. The date and some letters are gilt. Rubricated capitals appear on leaves 211, 212, and 214.

Fol.

MUNICIPAL
ARCHIVES OF
WATERFORD.

Exemplification, under the mayoralty seal of the city of Waterford, of documents, A.D. 1597 and A.D. 1601, connected with James Madan Fitz-William, Paul Sherlock, James Sherlock Fitz-James and James Sherlock FitzJohn, in relation to St. Katherine's grange, near Waterford¹. - 219b

Letter from Charles I., Oxford, 27th December, 1643: Authority to Sir Robert Wailsh to raise, enrol, and retain one regiment of one thousand foot in Ireland for the service of the King - 222

A.D. 1644.—[20 Charles I.].—Luke White, Mayor, Lawrence Barron and Nicholas Jones, Sheriffs.—Admissions as follow²:

"Hoc anno recepti sunt ab libertatem civitatis Waterford prædictæ :

Richardus Bellings, armiger.

Richardus Berford, armiger.

Carolus Franciscus Invernitus.

Petrus Franciscus Scairampus " - 223

A.D. 1645.—[21 Charles I.].—Gerald Lincol, Mayor, Peter Morgan and James Lincol, Sheriffs.—Admissions, including the following :

"Edwardus Tirrell, Sacræ Theologiæ Doctor, etc.

"26 Februarii, 1645[-6] : Prænobilissimus Dominus, Dominus Edwardus, Comes Glanmorgan.

"Nobilissimus Dominus, Dominus Johannes Somersett, frater dicti Comitis Glanmorgan " - 224

Petition of the "Masters and Confraternities of the seaven Companies of the Architects of Waterford" to the "Mayor, Sheriffs, and citzizens of Waterford." Signed by the Masters of the "hammermen," masons, shoemakers, shermen, weavers, tailors and carpenters. With order, dated 10th April, 1646 - 225

A.D. 1646.—[22 Charles I.].—Paul Waddinge, Mayor, Edmund FitzGerald, and James Walshe, Sheriffs.—Admissions, including the following :

"Johannes Birne, Centurio.

"Jacobus De Latorre, Secretarius Excellentissimæ Catholicæ Majestatis [Philip IV.]

"Richardus Blake, Miles.

"Petrus Power, de Cullfyn, Armiger, nunc Vicecomes Waterford.

"Martinus Leonard, Doctor Medicinæ." - 225b

A.D. 1647.—[23 Charles I.].—John Blueth, Mayor, Francis Butler and Martin Gall, Sheriffs.—Admissions - 226b

A.D. 1648.—[24 Charles I.].—John Walsh, Mayor, Andrew Morgan and Bartholomew Sherloke, Sheriffs.—No entries on this page except the heading with these names - 227b

A.D. 1649.—John Livet, Mayor, Nicholas FitzGerald, and James Linhame, Sheriffs.—Admissions.—In margins on two coats of arms partly colored in red. Portion of page erased³ - 229

¹ Leaf 221 is blank. The MS. does not contain records of the elections or acts between 1640 and 1643. The Mayors during that period were: 1641, Francis Briver; 1642, Thomas White; 1643, Redmond Gerald.

² See introductory observations, p. 270. The upper half of leaf 222 of the MS. has been cut away.

³ Leaves 230 and 231 are blank.

I.

ANCIENT REGULATIONS AT WATERFORD FOR ELECTIONS OF MAYORS
AND OFFICIALS.

Fol. 21.

" Here folowith the ordre and manere of the election of Maire and balyves, and othre officers, and of their solempe othes, with othre many usages and consuetudes accustomed.

" The Proposition used in the day of the election.

" Right Worshupfull maistres, it is, I doubt not, stabled in your remembrance how it have bene oute of tyme of mynde accustomed within this citie of Waterford, as wele by the good olde and laudable custom of the same as by dyvers severall grants and lettres patents of the Kyngs noble progenitors and predecessors, made, granted, and conformed to the citisains of the same citie, the which grants and lettres patents the Kyng, oure Sovereigne Lorde, that now is, of his noble good grace have ratified, approved, and conformed that yerly this present Monday next afre the Visitacion of Our Ladye,¹ all the citisains then beyng and restyng within the citie hooly² assembled in a place deputed for the same afre that they and every of them were solempony sompned³ by the Sergeants of the citie, the Sondag next befor the present Monday, and that they by ther [w]hole commene assent shold electe and chose one to be Maire, and two balyves, to have the rule and governance of the citie for the yere then next following.

" Worshupfull maistres, it is so, that for the same cause all ye bene sompned and assembled to be here the same day that ye and every of you singularly shall gyve his voice and free election according as well with the forsaid good, olde, and laudable custom and grannts as with othre dyvers ordynances and establishments made upon the same within the citie; and, nowe, by your commune assent to electe and chose one parson⁴ to be Maire, and two balives, the most able parsons⁵ of policie and prudence that ye shall thynk most expedient and necessary for the commene weale and profite of the citie; and that, for noo favour, nor malice, but upon such charge and conscience as ye bere and owe to the citie, the said Mayre and balives, so by you chosen, may have the rule and governance of the citie for this yere next following, they to rule and governe the same afre ther discretions in suche wise as shall accorde with God [h]is plesire, the King, our Sovereigne Lorde [h]is honour, and the commene weale of the citie.

" Ye have here, my worshupfull maistres, A.B., Maire, C.D. and E.F., balives of the same, whom ye, of your commune assent by election have elected and chose to be officers of the citie for this yere last passid, all be it by ther owne report and also commanded me to say the same, that thei bene and were full symple and unable to bere the rule and charge of soo honorable a citie and commenes as here bene, they and every of them thank you right hertly that it pleasid it you, of your benyvolence to admytt thabilitie of ther parsons to take and bere that charge, ther symplenesse considerid. And they yeve you ther especiall thanck and laude as for the most lowly and humble commynes in obediennce that ever any officers hadd or have in charge or governance. And, by all ther powers and wisdom, by the sadd and ripe advice of the said consaile, they have ruled and governed the citie in every poynt all this yere

¹ July 2. In 1480-1 the election was ordered to be held on the Monday after the festival of the Exaltation of the Holy Cross, 14th of September. See No. CI., Appendix V. The day was altered as above by Elizabeth's charter, in 1568-9.

² wholly.

³ summoned.

^{4,5} person, persons.

that is last past as them thoght most goodly and profitable for any unversall commune weale of the same. And if they coude or myght have done better thei wolde have soo done. And if there be any parson or parsons that can or may say or prove that my saide maistres, the Maire and balyves that bene present, or any of them, have offended you, or any of you, othrewise then lawe requyreth, ye have here my sailde maistres and every of them that bene redy to attend and satisfye the same as fer forth as lawe requyrith and the custume of the citie. fol. 21.*

“Maistre Maire, accordinge to the olde custome of this citie, ye shall arise and call unto you three of your brethren, and gyve your election with one or them.

“Et tunc omnes cives procedant viva voce ad electionem.

“Electione antea facta, Recordator ad electum dicat :

“Maistre N. N., it is so, that my right worshopfull the commynes that bene here assemblid by ther free election and commene assent, have chosen and taken you as for the most able parson of wisdome and policie to be Maire of this citie under oure Sovereigne Lorde, the Kinge, for this yere folowing. And that ye, without negligence or ignoranne, shall putt yourself in full besynest and devoir to rule, guyde, and governe the citie by the advice of your consaile, with all your prudence, policy, and power, in such maner and forme as shalbe thought by you and the consaile of this citie most profitable and beneficiall for the commene weale of the same. And my said right worshipfull Maistres, the commynes, hertly pray you so to do, and that ye shall have the more courage for thexecution of the same, my saide maistres bene and shalbe redy to gyve you ther ayde and assistance in all things concernyng the commyne weale and profite of this citie, and that as oft tymes as they or any of them shalbe by your Maistreshippe requyred to doo the same.

“Nowe, Maistres, procede to thelection of your ballives.

“The Mayre [h]is othe.

“Ye shall wele and truly serve our Sovereigne Lorde, the Kyng, in the office of the mairaltie of the citie of Waterford, and his profits ye shall do in all thyngs in asmuche as to you appartayneth, after your witt and power, and his rights to the crowne appartaynyng truly ye shall kepe. Ye shall not assent his rights nor his franchises to be concelid. And where ye knowith the King's rights tuching the Crowne, be it in landis, rents, or franchises concelid, ye shall putt your true power, labour, and payne, the same to repele, and if ye may not so do, ye shall certify the same to the King, or to some of his Consaile, that ye be certayn that thei it tell to the King. fol. 21*^b.

“Also, the King's detts for yeft nor favour ye shall not respite there as ye may them raise without great grevannce of the dettours.

“Also, that wele and truly ye shall governe the people that bene or shal be undre you within your jurisdiction, and to every man ye shall doo right and playne justice as to hym appartayneth, and ye shall not for meade, favour, love, nor malice, wrong do to anybody, nor his right distourb.

“Also, that wele and truly ye shall acqnyte at the Eschecker the people that ye receveth of the King's detts, and nothyng ye shall receive where-by the King's rights may be distourbed, or his detts delayed.

“Also, that wele and truly ye shall obey and retorne the King's writts and commandments, after your witt and power, and that no such writt nor commandment be received by you butt if it be sealed under the King's

¹ business.

MUNICIPAL
ARCHIVES OF
WATERFORD.

seale. Except that ye receive them of such officers as have power to delyver them by hande.

"Also, that wele and truly ye shall kepe the goode custumes and usuages of the citie.

"Also, that wele and truly ye shall serve the office of Mairaltie of the staple, and right doo to every man.

"And ye shall make noo freman of the staple, without the advise of the merchannts of the same.

fol. 22.

"Also, that wele and truly ye shall serve the office of the Clerck of the marcket; and in the same manere ye shall serve and occupy the office of the Justice of the Peace, and that onys or two tymes in [*blank*] ye se the people of your jurisdiction mustred the yere with thair bodily harneis and wepyn hable for the defence of the citie.

"Also, that wele and truly ye shall occupy and governe the offices of the Eschetour, and Admyrall, and all thying that to them doth appartayne, and to every of the premysses, wele and truly ye shall doo, after your wytt and power, and by the advise of your consaile. So help you God and all Saynts."

"The othe of the Sheriffs.

"Ye shall wele and truly serve our Sovereigne Lorde, the King, in the office of the Shereffe of the countie of [the] citie of Waterford, and his profite ye shall do in all thing in asmuch as to you appartayneth, after your witt and power, and his right to the Crowne appartayning truly ye shall kepe. Ye shall not assent his rights nor franchises to be conceled, and, if ye know it, ye shall putt your power to repele the same, and if ye may not so do, ye shall certify the King or some of his Consaile of the same. And the King's detts for yeft nor favour ye shall not respite there as ye may rese them without great grevance of the dettours.

"Also, that wele and truly ye shall leade and governe the people that bene and shalbe undre your balive, and to every man ye shall do right, as wele to the poer as to the riche, and playne justice, as to him appartaineth. And ye shal not, for yeft, grant, favour, love, nor malice, wrong doo to ony body, nor his right disturb.

"Also, that wele and truly ye shall search the wach of the citie two tymes by the wick, or as many tymes more as it shalbe thought necessarye and expedient, if you bee thereunto required. And that ye see the correction of brede onys every wick. And that ye see that duhe correction be done uppon flesh and fish, according to the proclamation made uppon the same.

"Also, that ye make noo party with no manere parson that shall enplede before you in court.

fol. 22b.

"And that ye make none enquests to be somned betuxte party and party by noo manere favour.

"Also, ye shall wele and truly serve and occupy the office of the constables of the staple. And ye shall kepe your prisoners that bene comytted to your warde faire and faste.

"Also, that wele and truly ye shall kepe and execute all the goode, old, and aunccient custumes and usuages of the citie. And all other things that appartaingeth unto your offices, and to every of them, afre your witt and power, and by the advise of the Consaile of the citie. So help you God and all Sayntes."

“The othe of the balive receiver.

Ye shall wele and truly receive all manere of custumes and rents due unto the King and this citty, as well of all manere marchandises and goodes commyng unto the cite inwarde as goyng from the cite outwarde. And ye shall doo your true diligence to gaddre and reise the said custumes and rents. And that welles and truly ye shall accompt for the same. And ye shall make noo commerce with no man within the lande butt it accorde with the lawes and ordenances of the cite for the same provided and made. So help you God and all Saints.”

“The othe of the Recorder.

“Ye shall wele and truly serve and occupy the office of the Recorder of the cite of Waterford, and true recordes make within court and without court.

And ye shall make noo party with no manere of man in court, for love nor malice, nor for noo goodes that ye shall have, or shalbe grant for you to have.

And that ye make no serjant to sompne none enquests by noo manere of favour.

And that wele and truly ye make your warants and truly ye make your bokes to charge and discharge the Sherife of all his receipts inwarde and outwarde, and of othre his charges and accomps.

And that ye have noo parte to foryeve the King [h]is duties, without the advise of Maire, balyve, and the consaile of the cite.

Also, the consaile of the cite ye shall wele and truly kepe. And all othre manere things, that unto the said office appertaigneth, wele and truly ye shall doo as ferr as your cunningg and power may extende. Soo help you God and all Sayntes.”

“The othe of foure Serjantes.

“Ye shall wele and truly persue and kepe the office of the Serjant of the cite of Waterford, and attache every man when ye be requyred, and no playnt concele. And truly kepe consaile of that ye herith, and to no man it revele. And that ye mantaigne no manere of action agaynst ony freman in courte. And that ye summon noone enqueste by noo manere favour.

Also, that wele and truly ye kepe your wach in propre person, or by sufficient attorney admtyttd by Maire and Shirefs.

Also, ye shall wele and truly execute the warrants and precepts of the courts and truelye retorne them agayne.

Also, if ye know any custumes conceled, ye shall yeve the Maire and Sheriffes witting to the same.

And ye shal not goo oute of the cite without lycennce of Maire and Sheriffes.

Also, ye shall not take or receive any mede or rewards of no man, contrary to the lawes and custom of the cite. And all things that longth and appartaineth to your offices ye shall wele and truly doo. So help you God and all Sayntes.”

“The Waterbalive.

“Ye shall wele and truly kepe your tydes and the ferye bootes,¹ and no fol. 23b. mony, nor pledges receive but such mony and pledges as ye shall bring and delyver to the Sherife. And truly make the septimana, and the slippes, and the King's gowts² kepe clene as well as ye may.

¹ Ferry boats. ² water-courses.

MUNICIPAL
ARCHIVES OF
WATERFORD.

Thes, and all other things that appartaighneth to your office, ye shall wele and trulye doo. So help you God and all Sayntes.

“The Geailers othe.

“Ye shall doo noo duress to no manere of man, to make him pay fyne, rewarde or ransson. And that wele and trulye ye shall kepe your prisoners faire and faste by night and by day, so that no hurt nor losts com to the cite by your negligent keping. And that wele and trulye ye shall pay the ballyves all the receipts that ye receveth of thestretes of the courts.

Also, that wele and trulye ye shall serve and kepe the office of the Marshall of the Staple.

Thes, and all othere things that appartaighneth to your office, ye shall wele and trulye doo. So help you God and all Sayntes.¹”

“The othe of every of the Consayle.

fol. 24.

“Ye shal be good and true to the King, our Soverain Lord, and to his hayres, and to the Maire and cominaltie of this cite of Waterford, and ye shall help the same cite to your power, and secretly kepe all the consaile of the same.

And ye shall com to the Mayre [h]is sompnes,² when ye are sompned or warned to the yeld hall³ or to the consaile hous, and to all othere places within this franchises.

And ye shall yeve true and holsom consaile, by all your cunnyng and witt, to the Maire, balyves, and commene consaile that bene or shalbe in tyme commyng in all manere matiers that shalbe commened of emong them.

And ye shall yelde noo parciall consaile for love, favour, brokage, nor hate of any parson.

And of all manere matiers that ought to be kept consaile, ye shall kepe it so.

Also, ye shall stand [w]holy with the Maior, balives, and all the worthy men, and all the comminaltie of the cite of Waterford, in all manere matiers, causes, and nede, and belonging to the saide cite.

And ye shall not be of consaile, nethre parciall with no manere of man against the Maior and the comminaltie, nor agaynst any thing belonging to them in noo wise. So God you help and all Saynts.⁴”

“The othe of the Porters of the gates.

fol. 25.

“Ye shall be faithfull and true unto our Souverain Lorde the Kyng, and to the Maioures, Baillyves, and commens of the cite of Waterford in observing thoffice of the portership of the gates.

And ones that ye open the gates in the mornyng tyll ye close them and loke them in the evenyng, ye shall not departe from the gates without ye leve a sufficient attorney to kepe them.

And yf he hier [hear] any hugh [hue] other⁵ crye within or without, ye shall make faste your gates.

And yf ye see any man force your neighbours, ye shall do your best to ayde and helpe him.

And in all things beneficiall for the cite ye shall well and trulie observe and kepe. So helpe you God and holidom, and by this boke.”

¹ Here follows “The Constables othe.” ² summons. ³ guildhall.

⁴ Here follow “The othe of the Mesurers,” and “the othe of the Porters.” ⁵ or.

“The othe off the Water Baylyve of the Passage.¹

“Ye shall well and truelie serve the office of the water baylyve of the Passage, and ye shalbe faithfull and true to the Maier, Baylyves, and commens of the citie of Waterford, and wele and truelie serve the war-rantes and preceptes which shalbe directed to you from the Maier and Sheriffs for tyme being and truelie retorne them.

And ye shall dueli receyve the custumes and ankorage of all goodes and shippes which shall com within haven and truelie accompte to the Baylyve for the same.

And kepe duely and truelie that no goodes be discharged within haven nor no bulk broken.

And that no manere man charge no goodes nor merchandises within haven without speciall licenncce of the Maier and Baylyves for tyme being.

And ye shall see, heir, nor knowe no hurtes nor prejudice to com to the citie by lande nor by water, but ye shall defende it yf ye can by your power. And if ye can not defende it, ye shall warne the Maier and Baylyves of the same.

And all other things that belongeth to your office ye shall wele and truelie do by your power. So helpe you God and holidom, and by this boke.”

“The othe off the Fremen.

“Ye shalbe good and true to our Sovereine Lorde the Kyng and to his heirs and successours, and to the Maier and Baylyves that have the citie to kepe; and ye shall not hier nor see no hurte nor prejudice to them nor to the citie; And ye shall defende it by your power. And yf ye can not defende it, ye shall geve the Maier and Baylyves due warnyng of the same. fol. 25b.

And ye shalbe obedient to the ministers of the citie.

And ye shall mayntayne and supporte the franchises, fredom and all the auncient custumes and usages of the citie, to your power.

And ye shall be contributory of all the charges touching the citie, as in sommons, watching, tallage, and other charges, and geve and yelde as other fremen doth.

And ye shall not avowe the goodes of foreyns as your own goods, whereby the Kyng lose his customes.

And yf ye knowe any foreyn that occupieth any merchandise in the citie, ye shall warne the Maier and Baylyves of the same.

And ye shall not implede no freman of the citie without the citie, yf ye may have righte don to you before the ministers of the citie.

And yf ye knowe any conregacion or assemble made against the peace, ye shall warne Maier and Bailives for tyme being.

And yf yourself and your wyfe dwell a twelmoneth and a daye without the cite, ye shall lose your franchises. And yf ye com to deasire hit againe, ye shall paye for the same v. li., without ye have speciall grace.

“And ye shall within this three monethes have good and able body harneys to be redy at all tymes at commandement of Maier and Baylyves to defende the citie, when nede ys, or els ye shall lose your frannches, without any grace.

And all the premisses, and every poynt of them, ye shall wele and truelie do. So helpe you God and all Sayntes.”

¹ Passage, in county of Waterford.

" The Sheryffs othe.

" Ye shall swere that truelie ye shall serve the Kyng in the office of the Sheryff of the countie of Waterforde, and the Kyngs proffit do in all things that longeth to you, after your witte and power, and the rightes and all things that longeth to the Crowne truelie kepe.

fol. 26.

Ye shall not assent to degresse nor concele the Kyngs rightes nor franchises. And where ye knowe the Kyngs rights of the Crowne, be it in lands or in rentis or in frannchieez or in sutis conceled or withdrawn, ye shall do your true power to reple it. And yf ye can not reple it, ye shall tell it to som of the Kings Counseile, which will releve it to the Kinge.

Ye shall not, for [g]ifte nor favour, respite the Kings dettis wher ye may, without gret grevance of the dettours, make leve of them.

And that wele and rightfullie [ye] entret the people of your bailiue and do right to every man, as wele to the pore as to riche.

And that, for [g]ifte nor favour, nor behest, nor malice, to no man do wrong, nor no mannes right disturbe.

And truely you shall acquite at thescheker the people of whom ye received the Kings dettis.

And that ye take nothing wherthrough the Kinge may lese, or wherbie his right may be disturbed or his right delaied.

And that mekelie ye shall receive the Kings writtis and commandements, and truelie retorne them after your witt and power.

And that ye make your southshiref under you to make such othe as longeth to hem. So helpe your God and all Saints."

II.

ANCIENT FEES AND AMERCEMENTS IN CITY COURTS, WATERFORD.

fol. 28.

" Feoda omnimodarum Curiarum civitatis Waterford, secundum usum et consuetudinem ejusdem, sequuntur, videlicet :

Curia Placitorum curie hundredi sive regalium.

In primis, pro qualibet querela assise frisceforcie communi	
pixidi - - - - -	x.s.
Item, Recordatori, sive clerico - - - - -	v.s.
Item, servienti pro executione waranti - - - - -	ii.s.
Item, servienti Maioris de quolibet qui recuperat per assisam	
pro possessione habenda - - - - -	ii.s.
Item, pro qualibet querela accionis compoti - - - - -	v.s.
Item, pro qualibet querela accionis debiti communi pixidi	
detentorum catallorum comenc' transgressionum et omnium	
aliarum querelarum - - - - -	iii.d.
Item, Recordatori, sive clerico Curie, pro quolibet polo - - - - -	ii.d.
Item, eidem Recordatori, sive clerico, pro quolibet warranto in	
querela predicta - - - - -	iiii.d.
Item, servienti pro executione cujuslibet warranti - - - - -	ii.d.
Item, Recordatori, sive clerico, pro quolibet essonio - - - - -	ii.d.
Item, Janitori pro quolibet homine in custodia sua commissio	
in querelis predictis, videlicet, pro qualibet querela - - - - -	iiii.d.
Item, pro quolibet counge communi pixidi - - - - -	iii.d.
Item, de quolibet querenti, si recuperat in querela predicta - - - - -	iii.d.
Item, si defendens sit acquietatus - - - - -	iii.d.
Item, Recordatori, sive clerico, pro introitu cujuslibet libertati	
aliquorum civium - - - - -	vi.d.

Item, quatuor servantibus pro introitu cujuslibet libertati predictorum civium cuilibet servienti	-	-	-	-	vi.d.
Item, Recordatori, sive clerico, pro supplicatione facienda	-	-	-	-	ii.d.

“AMERCIAMENTA PREDICTE CURIE :

In primis: Si aliquis sit arestatus ad sectam alienius, et invenerit manucaptores, si non venerit responsurus querele prima die manucaptores sui amerciabuntur	-	-	-	-	ix.d.
Item, ii ^a die	-	-	-	-	-xviii.d.
Item, iii ^a die	-	-	-	-	iii.s.
Item: Si aliquis sit summonitus ad comparandum in aliqua inquisita et non compareret, amerciabitur	-	-	-	-	ix.d.
Item, ii.s. tertia vice, ut supra.					
Item, pro qualibet affr[ai]a	-	-	-	-	iii.s. iii.d.
Item, pro qualibet affusione sanguinis	-	-	-	-	v.s.
Item, pro quolibet tractu armorum	-	-	-	-	vi.s. viii.d.
Item, pro quolibet contemptu contra consuetudines et leges civitatis, fines capiantur secundum discrecionem Maioris et Ballivorum, exceptis illis casibus ubi fines et redempciones sunt ordinate per leges et consuetudines predictas.”					

“FEODA ET AMERCIAMENTA CURIE DE PULVERIZATO PEDE¹:

In primis: Quilibet extraneus, sive querens sive defendens, non potens expectare Communem Curiam habebit curiam de Pulverizato pede de die in diem, et hora in horam, et dabit Maiori et Ballivis ad usum illorum pro curia sua habenda	-	xx.d.
Et omnia alia feoda et amerciamenta reddantur in duplo, sicut in Curia Hundredi.”		

“FEODA CURIE STAPULE DICTE CIVITATIS ET AMERCIAMENTA EJUSDEM. fol. 29.

In primis, de qualibet querela cujuscunque accionis, videlicet, ad usum et dispositionem Maioris et Constabulariorum, et non ad communem pixidem	-	-	-	-	xx.d.
Item, Recordatori, sive clerico, pro introitu cujuslibet querele	-	-	-	-	viii.d.
Item, eidem pro quolibet warancto	-	-	-	-	viii.d.
Item, eidem pro quolibet polo	-	-	-	-	iiii.d.
Item, Mariscallo pro executione waranti	-	-	-	-	iiii.d.
Item, pro introitu libertati cujuslibet Stapule Maiori et constabulariis ejusdem Stapule	-	-	-	-	v.s.
Item, Recordatori, sive clerico, pro intratione cujuslibet nominis	-	-	-	-	viii.d.
Item, Mariscallo, pro feodo suo	-	-	-	-	iiii.d.

“AMERCIAMENTA EJUSDEM CURIE SICUT IN CURIA CIVITATIS SUPRASCRIPTA.

“CURIA FERIE CIVITATIS PREDICTE ET AMERCIAMENTA EJUSDEM:

In primis, de qualibet querela accionis debiti, detentorum catalogorum, transgressionum et convencionum fractarum, communi pixidi	-	-	-	-	vi.d.
Item, si querens recuperet, solvet communi pixidi	-	-	-	-	vi.d.
Item, si defendens acquietabitur, solvet	-	-	-	-	vi.d.

¹ Court of piepoudre. See p. 335.

MUNICIPAL
ARCHIVES OF
WATERFORD.

Item, Recordatori, sive clerico, pro quolibet polo	-	-	-	iiii.d.
Item, eidem, pro quolibet waranto	-	-	-	viii.d.
Item, servienti, pro executione ejuslibet warannti	-	-	-	iiii.d.
Item, jurisdictio ejusdem Curie ferie incipit hora xii ^a die Sabbati proximo ante festum Ascencionis Domini et sic continuatur de die in diem, et hora in horam, usque ad horam xii ^{am} diei Lune proxime post predictum festum Ascencionis.				

“AMERCIAMENTA EJUSDEM CURIE.

In primis, si arestatus non compareat, manucaptore ejusdem amerciabuntur prima die	-	-	-	-	-	xviii.d.
Item, ii. die	-	-	-	-	-	iii.s.
Item, iii. die	-	-	-	-	-	vi.s.
Et ista amerciamenta pertinent communi pixidi.						

“FEODA RECORDATORIS, SIVE CLERICI, ET LE WATERBALIF, EX INTROITU NAVIUM ET EXITU, INTER EOS EQUALITER DIVIDENDA.

In primis, de qualibet navi extranea que habet toppe sive popam	-	-	-	-	-	iiii.d.
Item, [de] qualibet navi que caret toppe	-	-	-	-	-	ii.d.
Item, de quolibet mercatore extraneo	-	-	-	-	-	ii.d.
Item, de qualibet navi que pertinet ad illas civitates et villas tam de Anglia quam de Vallia et Hibernia que gaudent libertatibus civitatis Waterford	-	-	-	-	-	iiii.d.
Item, de qualibet tali navi que non habet toppe	-	-	-	-	-	ii.d.
Item, de qualibet navi batello onerato cum ostriis	-	-	-	-	-	oistr ¹ .
Item, Recordatori sive clerico, pro scriptura coket de quolibet mercatore expresso in coket	-	-	-	-	-	iiii.d.
Item, pro Rege, de qualibet navi que habet batillum, pro ancorage	-	-	-	-	-	v.d.
Si autem non habeat batillum	-	-	-	-	-	iii.d.
Item, de quolibet mercatore in suo primo adventu capman yele, ¹ videlicet vi.d. pro Rege; pro Ballivo i.d.; pro Recordatore, i.d.; et pro le waterbaliff, ob.	-	-	-	-	-	viii.d. ob.
Et post ea tocies quociens quilibet mercator transit ultra mare solvet et quilibet eorum solvet	-	-	-	-	-	vi.d.
Et si non transiet ultra mare non solvet infra eandem istam terram nisi semel in anno	-	-	-	-	-	vi.d.

“FEODA OFFICIARIORUM CIVITATIS WATERFORD.

fol. 29b.

In primis, Maior, quolibet anno, pro feodo officii sui	-	-	-	-	-	x.li.
Item, Ballivus Regis	-	-	-	-	-	xl.s.
Item, Ballivus Receptor	-	-	-	-	-	lx.s.
Item, Recordator	-	-	-	-	-	xl.s.
Item, Serviens Mairos iiii. virgatas dimid. panni Anglici ad faciend ¹ sibi juppam et capucium	-	-	-	-	-	xx.s.
Item, Janitor, ad faciend ¹ juppam et capucium iiii. virgatas et dimid.	-	-	-	-	-	viii.s. iiii.d.
Item, Serviens Ballivi aque, ad faciend ¹ juppam et capucium iiii. virgatas et dimid.	-	-	-	-	-	xiii.s. iiii.d.
Quicquid serviens habebit de qualibet navi intrante cum bladis si continet iii. weyas unum bossellum; si non continet iii. weyas, habebit dimid. bossellum.						

¹ Chapman Guild.

Item, Serviens qui vocatur Vigilator, ad faciend' juppam et capucium, iiii. virgatas et dimidiam, et de qualibet aula infra civitatem iiii.*d.*, et de qualibet shopa, ii.*d.*

Item, duobus Constabulariis suburbionis civitatis, pro feodis suis, vi. virgatas panni Anglicani, videlicet, cuilibet ipsorum iii. virgatas, ad faciend' duas juppas."

III.

MURAGE AND ANCIENT CUSTOMS LEVIED AT WATERFORD.

[i.] "Muragium civitatis predictæ secundum antiquum usum, scriptum . . . (*oblit.*):

In primis, de qualibet vacca venali	-	-	-	-	i. <i>d.</i> ob.
De quolibet multone venali	-	-	-	-	q ^a .
De quolibet vele venali	-	-	-	-	ob.
De quolibet porco venali	-	-	-	-	ob.
De quolibet sacco cujuscunque bladi . . . ,	-	-	-	-	q ^a .
De quolibet corio frisco, venali	-	-	-	-	ob.
De qualibet libra cere	-	-	-	-	q ^a .
De quolibet scoll butiri qui valet iiii. <i>d.</i>	-	-	-	-	q ^a .
De qualibet pecia panni qui excedit ii. lamas	-	-	-	-	q ^a .
De qualibet nova falingna ¹ et nova white	-	-	-	-	ob.
De qualibet lagena mellis	-	-	-	-	q ^a . fol. 30.
De qualibet petra de tallo	-	-	-	-	q ^a .
De quolibet pondere equi, si valor excedit xii. <i>d.</i>	-	-	-	-	ob.
De qualibet petra lane	-	-	-	-	q ^a .
De quolibet salmone	-	-	-	-	q ^a .
De qualibet petra flock	-	-	-	-	q ^a .
De qualibet petra maddir	-	-	-	-	q ^a .
De quolibet equo	-	-	-	-	iii. <i>d.</i>
De quolibet caballo	-	-	-	-	ii. <i>d.</i>

[ii.] "Iste sunt custume civitatis Waterford ab antiquo tempore usitate, prout in antiquis rotulis civitatis predictæ continentur, denuo tamen scripte tempore Jacobi Rice, Maioris, Thome Brown et Geraldii Lynceoll, Ballivorum ejusdem civitatis, anno regni Regis Edwardi Quarto quinto decimo [A.D. 1474-6]:²

De quolibet doleo vini	-	-	-	-	x. <i>d.</i>
De ii. pipis vini	-	-	-	-	x. <i>d.</i>
De quolibet dolio olei	-	-	-	-	xiii. <i>d.</i>
De qualibet pipa mellis	-	-	-	-	vii. <i>d.</i>
De quolibet quarterio salis	-	-	-	-	iii. <i>d.</i> q.
De quolibet quarterio frumenti, carbonum et calcis	-	-	-	-	iii. <i>d.</i> q.
De quolibet quarterio de cork	-	-	-	-	iii. <i>d.</i> q.
De quolibet quarterio de woode	-	-	-	-	iii. <i>d.</i> q.
De quolibet doleo ferri	-	-	-	-	x. <i>d.</i>
De ii. pipis ferri	-	-	-	-	x. <i>d.</i>
De qualibet pipa salmonum	-	-	-	-	xviii. <i>d.</i>
De qualibet centena de hake	-	-	-	-	iiii. <i>d.</i>
De quolibet burdon de whitefysh	-	-	-	-	i. <i>d.</i>
De quolibet meise de scalpin	-	-	-	-	i. <i>d.</i> ob.
De quolibet meise allecum	-	-	-	-	iii. <i>d.</i> q.
De qualibet centena anguillarum	-	-	-	-	ii. <i>d.</i>
De quolibet barello allecum	-	-	-	-	iii. <i>d.</i>

¹ Irish mantle.² This heading is in writing of the sixteenth century.

MUNICIPAL
ARCHIVES OF
WATERFORD.

De qualibet dacia correorum	-	-	-	vi.d.
De qualibet dacia correorum cervorum	-	-	-	iii.d.
De qualibet dacia correorum forinsecorum	-	-	-	x.d.
De qualibet dacia corveis vel cordiwan	-	-	-	ii.d.ob.
De qualibet centena pellium ovium	-	-	-	iii.d.
De qualibet centena de white ledder	-	-	-	iii.d.
De qualibet centena de kidfell	-	-	-	i.d.ob.
De qualibet centena pellium caprarum	-	-	-	iii.d.
De qualibet centena pellium agnorum, cuniculorum et leporum	-	-	-	i.d.ob.
De qualibet centena de calffell	-	-	-	ii.d.
De qualibet duodena de [pelle] martini	-	-	-	i.d.
De qualibet duodena de [pelle] ottiris	-	-	-	i.d.ob.
De qualibet centena de foxfell	-	-	-	iii.d.
De qualibet centena cirogrillorum	-	-	-	i.
De qualibet duodena panni Anglici	-	-	-	iii.d.
De qualibet duodena de ose	-	-	-	ii.d.
De qualibet copla de figis et resins	-	-	-	ii.d.ob.
De qualibet centena de rice	-	-	-	ii.d.
De qualibet centena de almons	-	-	-	iii.d.
De quolibet wey de tallow	-	-	-	iii.d.
De quolibet barillo picis, tarr vel sayn oil	-	-	-	iii.d.
De qualibet centena plumbi, stagni, vel pewtre	-	-	-	ii.d.
De qualibet centena de bordis	-	-	-	iii.d.
De qualibet centena de botelbordis	-	-	-	i.d.
De qualibet p̄p de wode	-	-	-	xx.d.
De qualibet centena cere	-	-	-	ii.s.i.d.
De quolibet doleo picis et rosine	-	-	-	x.d.
De qualibet centena de lyncloth streit	-	-	-	ii.d.
De qualibet centena de lyncloth brode	-	-	-	iii.d.
De quolibet accipitre	-	-	-	xx.d.
De quolibet tarcell	-	-	-	x.d.
De quolibet dosain cardis	-	-	-	ii.d.
De quolibet last barill ¹ vacant	-	-	-	ii.d.
De quolibet purpeis vell sell ¹	-	-	-	ii.d.ob.
De qualibet centena de sope	-	-	-	ob.
De quolibet dosain de oignyoned	-	-	-	i.d.
De quolibet dosain de leksede	-	-	-	ob.
De quolibet equo ultra mare transitorio	-	-	-	vi.s. viii.d.
De qualibet valencia xx.s. omnium aliarum mercandizarum et haburdash, videlicet :				
De quolibet mercatore de Anglia et Hibernie	-	-	-	iii.d.
Et de quolibet mercatore extraneo	-	-	-	v.d.ob.
Item, for the custome of every dussen tawed caulf skynnes	-	-	-	vi.d.
Item, for every hundreth shepe skynis tawed	-	-	-	xvi.d.
Item, for every dossen dere fells tawed	-	-	-	xviii.d.
Item, for every hundreth goat skynis tawed	-	-	-	iii.s.
Item, for every stone Spanish woll	-	-	-	ii.d."

IV.

ASSIZE OF BREAD AT WATERFORD, A.D. 1485-6.

fol. 30b.

"Memorandum: That here after followeth the assise and wyghte of the bred within the cite of Waterford, ordeined and estabiled by Jamis Rice, being Maior of the cite, John Lincoll and Herry Fagan being

Ballivis of the same, the yere of King Herry the viiith the first yere [A.D. 1485-6].

In primis, it was ordeined and establed by the said Maior and Ballives that yf the busshell of whette [wheat] be boghte for, xii.*d.*, then the penny lofe of white bred and of gode paste shall wey vi. li. and dimidium. Item, by the lawe and statute it sholde wey vi. li. iii. s.

Item, yf the busshell whette be sold for xvi.*d.*, the lofe solde wey iii. li. and dimidium vi. unc. Item, by lawe and statute it sholde wey iii. li. iii. quarteris iii. s.

Item, at xviii.*d.* the bosshell whete, the lofe sholde wey iii. li. et. iii. unc. Item, by the lawe and statute it sholde wey iii. li. and dimidium and viii. d.

Item, at xx.*d.* the bosshel whete, the lofe shold wey iii. li. and dimidium. Item, by the statute it sholde wey iii. li. iii. quarteris ii. s. viii. d.

Item, at ii.*s.* the bosshell whete, the lofe sholde wey iii. li. Item, by the law and statute it shold wey iii. li. viii. s.

Item, at ii.*s.* vi.*d.* the bosshell whete, the lofe shold wey ii. li. and dimidium. Item, by the lawe and statute it shold wey ii. li. and dimidium iii. s. vi. d.

Item, at iii.*s.* the busshell whete, the lofe sholde wey ii. li. ii. unc. Item, by the lawe it sholde wey ii. li. iii. unc. and viii. d.

Item, at xl.*d.* the busshell whete, the lofe sholde wey i. li. iii. quarters. Item, by the lawe and statute it shold wey i. li. iii. quarters iii. s. x. d.

Item, here ye may se before whate the brede shold wey by the lawe and statute, and how it is ordeined and made to be lasse in wyght within the cite for the extent that the bred shold be the whitter and the better made. fol. 31.

Item, the shippe lofe which is made of elane whete as it cometh from the shefe shall wey the white lofe and halfe.

Item, the broune lofe shall wey ii. white lofes.

Extracte out of the Red boke another order.

The white lofe shall wey vi. li. at xvi.*d.* the boshell.

The white lofe iii. li. dimidium and vi. uncis at xviii.*d.* the boshell.

The white lofe shall wey iii. li. and iii. uncis at xx.*d.* the boshell.

The white lofe shall wey iii. li. dimidium at ii.*s.* the boshell.

The white lofe shall wey iii. li. at ii.*s.* vi.*d.* the boshell.

The white lofe shall wey ii. li. dimidium at iii.*s.* the boshell.

The white lofe shall wey ii. li. ii. uncis at xl.*d.* the boshell.

The white lofe shall wey i. li. iii. quarteris. (*sic.*)”

V.

“ACTS AND STATUTES” OF CITY OF WATERFORD, A.D. 1365-7.—
1524-5.

“LIBER PRIMUS: Here begynneth the first boke contenyng all Actes and Statutes ordayned and made by the commene assent of Mayre, Ballyffs, Citsains, and Commynalte of the cytie of Watirforde, from the fourth yere of the reigne of Edwarde the Thirde [A.D. 1365-7] unto the fyfte yere of Henry the Eighte [A.D. 1513-14]:¹

¹ The entries, it will be seen, at p. 329, extend to a date subsequent to the here named.

MUNICIPAL
ARCHIVES OF
WATERFORD.

THE FIRST ACTE.—[A.D. 1365-67.]

Memorandum: That, in the forsaide yere of Kyng Edwarde, John Malpas then beyng Maire of the forsaide cite, it was ordaynid by the commene assent that if any man shal broche or retaile any wyne upon the retailyng or salis¹ of the commene wyne callid prisage, that then he that so dothe shall gyve to the Commynes, xl.s., for every ton that is solde, and for every pipe xx.s.

THE SECONDE.

Also, in the tyme of Richard Brusebon, Mayre, Wylliam Lunbarde and Walter Spennse, Baliffs of the forsaide cite: It was ordayned that whosoever burgeise of the saide cite wold by any wynes, or any other marchandise, of any estranger, or sill² them in a tavern, or otherwise, by any coloure or fraude, to his encrease or losse, if the wynes, or other marchandise, be not his, that then he shal be amerced in xl.s.

THE III^{de}.—[A.D. 1382.]

Be it knowin that the Monday nexte after the feste of Saint Myghel the archangle, in the vi. yere of the reigne of Kyng Richart the Seconde, in the Gyldhal of the cite of Watirforde, in that dernhundred,³ by the commene assent of the citsains of the same, It was grantid and ordaynid that al hoggs, soues, bores, and al other swyne and piggs that sholde be founde by day or nyght walkyng within the saide cite, or in the trenchis and dycks⁴ of the same, that they shal be slayne and kyllid by thos or by others that bene specially deputid unto the said office. Also, by nyght they may be slayne by al[1] men, so fynding them walkyng, without damage or losse. Also, if by driftis they be founde, the house, oute of whiche they yssued or shall enter, the seriant shal straine in the same house for xl.d. tociens quociens.

THE IIIth.—[A.D. 1384-5.]

fol. 42b.

Also, in the eighth yere of the said Kyng Rychart, Wylliam Lunbarde being Maire, John Rykyll and Myllon Poer, bailliffs of the saide cite, it was graunted and ordaynid by commene assent of al the Comynalties of the saide cite that if any man duellyng⁵ within the lyberte of the same cite shal curse, diffame, or dispice any citsayn of the saide cite in calling him Yrishman, and herupon he shal be convicted and shal gyve to him xiii.s. iiiii.d. without any grace.

THE Vth ACTE.—[A.D. 1388-9.]

Also, in the tyme of Myllon Poer, Maire, John Robart and Wylliam Andrew, bailliffs of the cite of Watirforde, in the xii. yere of the reigne of Kyng Richart the Seconde, in the dernhundred day, it was grantid and ordaynid by al the Comynalte of the said cite that al mesuages and shoppes that bene coverid with strawe, hay, or herbage, within the wallis of the saide cite sholde be caste downe and overthrown other discoverid by Ester nexte following this present date.

And if the lords of the said mesuages and shoppes wil not parforme the same within the said terme, that then they shal pay to the Maire and commynes xl.s. for every mesuage or shop so by the lords not caste downe.

And if the Maire and balliffs for the tyme being wil not leve and areyse the said xl.s., or shal be negligent in al premissis that than it shal be alloued in the fee of the Maire and bailliffs for tyme being.

¹ sales.

² sell.

³ The city assembly, see No. XV.

⁴ dikes.

⁵ dwelling.

Also, it was grantid and ordayned in the same day that from thensforth that no mesuage nor shop be coverid with strawe, hay, or herbage, within the wallis of the saide citie, upon the saide payne, and the mesuages and shoppes to be caste down by the Maire and balliffs for tyme being, upon the same payne.

THE VI.—[A.D. 1391.]

It was grantid and ordayned in the Twesday nexte after the feste of the exaltation of the Crosse in the xv. yere of the reigne of Kyng Rychart the Seconde, Myllon Poer, Maire, John Rykill and William Andrew, bailiffs of the citie of Watirforde, by the [w]hole assente of the Comynalte, in the day of election of Maire and balliffs, that from thensforwarde no man to be elected into thoffice of Mairalte but if he be firste in thoffice of the ballyship.

THE VIIth.—[A.D. 1394-5.]

Be it knowin that in the xviii yere of Kyng Rychart the Seconde, Wylliam Folkushul, Maire, John Rykil and John Ruyl, balliffs of the citie of Watirforde, in thar [their] dernhundred day, it was grantid and ordayned by oure saide Soveraine Lorde and Kyng, and by the comene assent of al the comminalte of the saide citie, that from thens no man shall be recevid unto the fredome of the saide citie if he wil not duell¹ within the libertie of the same.

And if it shal fortune ony freman soe recevid after the saide acte and ordynance to duel without the libertie of the saide citie, that then he shal lose the fredome of the same.

And if evir after he shal desire the saide libertie, after his departyng and duelling² oute of the same, and shall be recevid againe, that then he shal owe unto the commynes of the saide citie and to thar successours x.*li.* of mony lawful and currant, to be payed at the wil of the saide commynes, withoute ony grace.

And his othe and allother to be recevyd hereafter in forme aforsaid and none other manere.

THE VIII.—[A.D. 1430-31.]

In the ixth yere of Kyng Henry the VI., William Lyncol, Maire of the citie of Watirforde, John Pope and Nycolas Goghe, balliffs of the same, it was grantid and ordayned, by common assent, that every Maire for tyme being may gyve triewis³ and safe conducte unto every man, thoghe they were indictid or outlawid, to come unto the saide citie, there abiding or there departing, for al maner actiones and complaints, excepte ony for duhe dette.

THE IXth.—[A.D. 1430-31.]

Also, in the same yere it was ordayned that no citsaine shal take no pledge nor restraynth for his marchandice of no ydelman⁴. And if they wil take and therof ony doemage and hurte shal fortune to the citie for that cause that then they that suche pledges doo take shal save the citie from al doemage and shal restore what is taken.

THE X.—[A.D. 1430-31.]

Also, the same yere, by comene assente it was ordayned that no preste sholde have no wif or concubyne within the citie, and if they may be founde, the fynders shal have al ther clothes and thar bodies to the jayle of the saide citie unto tyme thei shal mak a fyne.

¹ dwell.

² dwelling.

³ truce.

⁴ see no xix., p. 295.

MUNICIPAL
ARCHIVES OF
WATERFORD.

THE XI.—[A.D. 1430-31.]

Also, in the same yere, by commene assent, it was enacted and ordayned that no Maire nor ballif from hensforthe shal pardon and forgyve amercements of brede, ale, wacche¹ and affrayes, and if they shal pardon the same, contrary to this acte, that then it shal be allowed and discomptid of thar fees.

THE XII.—[A.D. 1427-8.]

fol. 43b.

Be it knowyn that in the vi. yere of Kȳng Henry the Syxte, Pierce Rice, Maire, Nicolas Goghe and Thomas Trevennor, balliffs of the citie of Watirforde, it was grauntid and ordayned by commene assent if any man, of what condicion or estate that he be, shal within the saide citie procure trespasse or forly any doughter of Maire or balliffs and counsaile of the saide citie that nowe or in tyme comyng shal be, that thenne he that so doethe shal pay xl. *li.* in mony to the said Maire, balliffs, and counsaile, to marry the saide damsel.

THE XIII.—[A.D. 1427-8.]

Also, in the same yere by commene assent it was grauntid and ordainid if any man shal trespasse or forly any freman [h]is doughter of the said citie, that thenne he shal pay to hir fader, other to the nexte of his kyn, x. *li.* in mony, to marry the same doughter.

THE XIII.—[A.D. 1427-8.]

Also, in the saide yere, by commene assent it was ordayned that if any man shal trespasse or lyby any nurishe or apprentice of the sayde Maire, balliffs, counsaile, and fremen of ths saide citie, he shall pay to thar maistres v. *li.* in mony.

THE XV^{us}.—[A.D. 1427-8.]

Item, in the forsaide yere, by commene assente it was enactid, grantid, and ordayned that the Maire and balliffs of the saide citie, that nowe bene or in tyme comyng shal be, shal not receve no man unto the fredome or liberte of forsaide citie, but only in the dernhundred there kepte from the monday after Mighelmas tyl it be done.

THE XVI.—[A.D. 1427-8.]

Also, in the sayde yere, by commene assente it was ordayned and enactid that no citsaine hereafter have no delays in any playnthe, butt only in an action in dette.

And if any of the saide citsayns be insufficente or effugitif in the saide actione of dette that . . .² righte he shal fynde sufficient suerties unto the courte of the saide citie for the value of the action and after to emov the forsaide delays.

And if it shal fortune that the saide citsaine may fynde no sufficien^t suerties, as it is sayde, that then the saide citsaine, of what estate he be of, shal be arrestid by his body unto tyme that the action so dependyng betweene the parties shall be fyneshid and determyd.

THE XVII.—[A.D. 1427-8.]

fol. 44.

Also in the saide yere, by commene assente, it was grantid and ordayned that if any citsaine of the saide citie hereafter wolde accuse by him other³ by any other any citsaine of the same unto any lorde as to

¹ watch.

² MS. indistinct.

³ or.

the Kyngs Deputie, Erle, Barron, other Knyght, by the whiche accusation the saide citsain so accusid shal exspende or losse ony goods, or in ony manere shal be vexte, or shall laboure oute of the saide citie, that then the saide citsaine by whome or in whos name the accusation was made shal pay unto the forsaid citsaine so accusid threes as much as he in expences and gyfts shall losse.

And also the accusere shal losse his fraunches for ever.

THE XVIII.—[A.D. 1449.]

Be it knowin that in the xx^{ti} day of October, in the xxviii. yere of Kyng Henry the VI., Pierce Stronge, Maire, Thomas Yonge and William Broun, balliffs of the citie of Watirforde, it was ordayned that what ever man is fugitif for dette, and goethe into a freman [h]is house, if he mayntaigne, withholde, or hide him, by him or by his wife, that then the party actonit shal chearge the goodman of the house with as much goods as the fugitif owithe, els to delyver the man.

THE XIX.—[A.D. 1428-9.]

In the vii. yere of the saide Kyng, Robarte Lyncoll beyng Maire, Nycolas Beverley and Nicolas Goghe, balliffs of the said citie, it was ordayned and enactid by commene assente that whatt ever man duellyng within the citie arreste ony ydelman¹ for ony trespasse done upon forayne grounde, or to bringe warre upon the citie, whereby they bene prayed and losid thair goods, that then who doeth soe shal pay to the commynes xx^{ti}.li., tociens quotiens.

THE XX^{ti}.—[A.D. 1433-4.]

Memorandum: That in the xii. yere of Kyng Henry the VI., Roberte Lyncoll, Maire, Nicholas Beverley and Nicolas Goghe, balliffs of the saide citie in the dernhundred day, it was ordayned and grantid that no citsaine hereafter sholde bey² no whete nor none other grayne by his concubyne, but if she be his wif, and shall not bake ne brewe by hir, but only by his wif or siervaunt, and this only to the use and profite of his housholde.

THE XXI.—[A.D. 1433-4.]

Also, it was ordayned and grauntid by commene assente in the saide fol. 44b. yere that the Maire and balliffs duryng the yere sholde be commene bieres³ of al merchandise comyng unto the said citie, and to distribute the same upon al citsains and commynalte of the same, as they shal see behouffull.

THE XXII^{ti}.—[A.D. 1433-4.]

In the saide yere, it was enactid by commene assente that if ony man jurate in an enqueste sholde revele the counsaile of his felawes, and therupon shal be convicted, he shal forfeite and lose the liberte of the saide citie and shall gyve to the reparation of the wallis xx^{ti}v. And also if ony man shal say that thenqueste is forsworn, he shal pay the same payne as afor is saide.

THE XXIII^{ti}.—[A.D. 1433-4.]

Also, it is ordayned, by commene assente of all the citie, that if ony man hereafter wil gyve his godes, mevable⁴ or unmevable, unto ony other man, in defraude of the courte of the saide cytie of

¹ "poor gentleman."

² buy.

³ buyers.

⁴ movable.

MUNICIPAL
ARCHIVES OF
WATERFORD.

Watforde, or of the staple courte of the Kynge of the same citie, or of the party pleyntiff, that then the gyver and the receiver of the saide goods shal lose thar liberte and euche of them shal pay v. *li.* to repaire the wallis withoute any grace.

THE XXXIII^{ti}.—[A.D. 1433-4.]

Also, it was ordayned by commene assent that no man sholde sille no salte out of a shipp by mesure, but only by mesure oute of his cellere. And that no man have no great sune of salte willing to sille the same for a litle price, and shal not sende oute of the citie the marchandise of an estrangere in defraude of his negbore.

And also that no man shal sende no salte, wyne, yrn,¹ clothe, or any other manere of marchandise, out of the citie, by lande or water, unto tyme that he shal pay the King's due costume [custom], that if the said marchandise be solde by retaile, and if any be founde in the premisses and convicted in the same, he shall pay v. *li.*

THE XXV^{ti}.—[A.D. 1433-4.]

Item, it was enacted that no man hereafter shal sende any marchandise in ship or in bote, but firste he shall come unto the ballif and shal shewe (*sic*) for the same marchandise.

THE XXVI^{ti}.—[A.D. 1433-4.]

Also, the sayde yere it was ordayned that no maistre of the botis from thensforthe shal have no more wagis than as every other laborer beinge in the same bote.

THE XXVII^{ti}.—[A.D. 1433-4.]

Also, it was enactid that herafter no man sholde have none oblationes except the sierjaunt and bakere.

THE XXVIII^{ti}.—[A.D. 1433-4.]

Be it in memory that in the xii. yere of Kynge Henry the Sixte, Roberte Lyncoll, being Maire, Nicholas Beverley, and Nicholas Goghe, baliffs of the saide citie, in thar dernhundred day, it was grantid and accordid by commene assente that the Maire and counsaile of the goode governaunce of the same may ordayne and make actes and statutes benyfficiall for the saide citie so perfectly and fully and the same having the office as if all the saide commynaltie sholde make the same ordynaunces and also al othir necessities for the welfare and profite of the saide citie in doyng and executyng the same as moste expediente unto them it shal be sayne, the tallage exceptid.

And that the Maire and counsaile that now bene, or in tyme comynge shal be, have the same poer, al tymes to come, withoute any contradiction of the commynaltie in thar dernhundred day for ever.

THE XXIX^{ti}.—[A.D. 1434-5.]

Memorandum: That in the dernhundred day, the xiii. yere of Kyng Henry the Sixte, Robart Lyncoll, beyng Maire of the forsaide citie, by commene assente of citsains and comynes, it was grauntid and ordayned that if ony man duellyng² within the citie or suburbes of the same, be he freman or denysyn duelling in the saide citie that shal bye of ony estrangere any marchandise, be it of a commene or his proper bargaine, and if the strangere be not paide by the day assigned betwene them that than

¹ iron.

² dwelling.

the Maire and baliffs for tyme being shal pay thestrangere of thar propre goods, and the said Maire and Baliffs have leve of the said citsaine or deynsyn twies asinuch.

And if the Maire and Baliffs have not to pay, that then the said citsaine or deynsyn shal be commytted and layed to jayle notwithstanding of ony libertie.

THE XXX^{ti}.—[A.D. 1435-6.]

Be it knowin that in the dernhundred day and in the xiiii. yere of fol. 45b.
Kynge Henry the Sixte, Wylliam Lyncoll beynge Maire, Myllon Sawters and William Rope, balliffs of the said citie, it was ordayned and grauntid by commene assente that every man hereafter that will age¹ other shal be agid when the defendant shal aunswere unto the pleyntif and both parties layed to an enqueste that afterwarde the party defendant shal not be acceptid nor chealaungid in his declaration of his evidennce as it have been of olde.

THE XXX^{ti}.—[A.D. 1441-2.]

In the xx^{ti} yere of the reigne of Kyng Henry the Sixte, William Lyncol, Maire, John Fiz William Cor and Nicholas Morgan, Balliffs, of the saide citie, it was enactid that if ony man, be he pleyntif or defendant, while thaction dependid, shal swere before his negbores affermynge that his action or his defence is triewe,² than the swerere, if he be pleyntif, shal losse his action befor Maire and Baliffs for ever, and if he be defendaute, he shal be convicted.

THE XXXII^{ti}.—[A.D. 1441-2.]

Also, it was ordayned in the saide yere by advice of the commynes that no man be admitted nor receved unto the fredome of this citie lasse³ than he have bene iii. yere an housholdere within the said citie to knowe his goode governaunce and conversation.

Also, that no man be acceptid to take his oethe without assente of the counsaile, and that it be donne within the closyng of the dernhundred.

THE XXXIII^{ti}.—[A.D. 1447-8.]

It is to have in mynde that in the xxvi^{ti} yere of Kynge Henry the Sixte, Robarte Lyncoll beinge Maire, Nicolas Morgan and John Fiz William Cor, balliffs, of the forsaide citie, it was ordayned by commene assente that if ony estrangere will syll⁴ ony marchandise unto an other estrangere, that then he gyve to forfette all suche marchandise that is solde.

And if ony citsayn or freman shal syll ony estrangere [h]is goods unto an other estrangere unto the profite of the sayde estrangere, that then he shal lose his lybertie.

THE XXXIII^{ti}.—[A.D. 1447-8.]

Also, in the same yere it was ordayned by commene assente that no citsain nor freman shall maytaine and witholde within his house ony estrangere agaynste his negbor for ony action of dette, covenant, other trespasse.

And, also, that no citsayn or freman shall receive none estrangere in fol. 46.
pledge or maynprice for ony bargaine, but if he shal kepe hym in his house and shal not walk in the citie.

¹ form of legal proceeding.

² true.

³ unless.

⁴ sell.

MUNICIPAL
ARCHIVES OF
WATERFORD.

THE XXXVth.—[A.D. 1448-9.]

Be it knowin that, in the xxvii yere of Kyng Heury the Syxte, Foucque Quemerforde, Maire, John May and John Macgilmor, bailiffs of the forsaide citie, it was enacted that al manere actiones of debt recoverid, in defaulte of an aunswere, Maire, Bailiffs, and geaylere shall paye it, and the plentif shal be putte to none oethe.

As to covenauante, trespasse, and accompte, Maire and balliffs shal take no enqueste, and as the queste fyndithe it so shall Maire and Balliffs aunswere unto the pleyntif.

And, as tuchyng dette recoverid before Maire and balliffs for the yere beyng, and if the deitor escape or goeth att large, than the Maire and balliffs or gaeyler shal al (*sic*) the recovere unto the pleyntif.

THE XXXVI.—[A.D. 1455-6.]

Memorandum : That in the xxxiiith yere of oure saide Kyng and Souveraigne, Nycolas Goeghe beyng Maire, William Lyncoll and Pierce Hunte, balliffs of the said citie, it was ordayned by commene assente that what ever man were fugitifs for dette and wente in to a citsayne [h]is house to putte the actoure frome his action, if the citsain maintaine him, by him or by his wif, agaynste ony citsayne of the saide citie, than shal the actor with a sieriaunt chearge the goodman of the house with as muche dett as the fugitif owith unto the said actoure.

THE XXXVII.—[A.D. 1457-8.]

Also, in the xxxvith yere of oure saide Kyng, Nycolas Morgan, Maire, Pierce White and John Sherlock, balliffs of the saide citie, it was ordayned and enacted by commene assente, in the dernhundred day, that what ever man or woman arrestithe any other within the citie or suburbs, thofficere of the same arreste shal bryng the defendant before the Maire or balliffs of the citie, and there he shal fynde sufficient suertie unto the value of thaction, and every of them for other.

And if the suertie bringe not the defendant to courte in callid dayes, then the pleyntif shall declare agaynste the suerties, licke as the defendant were present.

THE XXXVIII.—[A.D. 1457-8.]

Also, in the saide yere it was grantid and ordayned by commene assent, by a petition of the Deane and Chapitre of the Cee¹ of the said citie, that al fremen beinge within the chirche or churchiarde of the said Cee, shall be free of al manere offices to be done unto them by ony officers, and this acte shal endure as longe as the saide Maire and communes wil suffer the Deane and Chapiter to have the same fredome.

fol. 46b.

THE XXXIXth.—[A.D. 1457-8.]

In the xxxvi. yere of the forsaide Kyng, John Fiz William Cor, Maire, William Lyncoll and Nicolas Devereux, balliffs of the forsaide citie, in the dernhundred day by commene assent it was granted and ordaynid that if ony man duellyng within the citie or suburbs shal go with ony merchandise into any countre being at warre with the said citie, other else if ony man make a several peace by hymself for him and his goodes with ony man being att warre with the said citie, than he shal forfett and lose his libertie the firste tyme.

¹ see.

And if he useth therafter to do the same, that then he shalbe expulte oute of the citie, else to pay to the communes an c. *li*.

And if he be no freman, that he pay *xxs.* and forfett the goodes that he takith with him or sendith in manere aforesaide.

THE XL. ACTE.—[A.D. 1457-8.]

Also, in the said yere and day, it was ordayned, by commene assente, that if it shal fortune to ony man, woman, or childe of the said citie to take any damage, hurte, or lose of goodes, in ony manere by ony man of the county of Kylkenny, Typerary, Watirforde, and Waysford, or by any other nation of the lande of Irland, that then the Maire and balliffs for tyme beinge shal sende unto the Capitaine or chief of the countre where the hurte is done, to pray and requyre a remedy of that trespassse, and if they may have no remedye sufficient, then the said Maire and balliffs shal restraine for that said hurte and trespassse so done in manere aforesaid.

THE XLI. ACTE.—[A.D. 1458-9.]

Also, in the xxxvii. yere of the saide reigne, the saide John [Cor] beyng Maire, Jeames Rice and Pierce Hunte, balliffs of the saide citie, in thar dernhundred day, by commene assent it was ordayned from thensforward that al fre men[s] wifis, after the death of thar husbondes, shall receve thar oethe and sacrament as the husbonde did afore.

And if they defoule thar bodyes in aduoultry after the decease of thar husbondes otherwise than matrimony requyrith that then they shall lose thar libertie.

THE XLII.—[A.D. 1458-9.]

Also, in the saide yere it was ordayned that al manere foreynes and fol. 47. servants duelling within the saide citie or suburbs from thensforward shall be sworne to be trewe unto the Kyng and to the citie of Watirforde, and in especial those that bene maistres of wodbotes and botemen.

THE XLIII^{ti}.—[A.D. 1458-9.]

Also, in the saide yere it was ordayned that no man hereafter be received unto franchises and libertie of the said citie save only for the same crafte that he usith at his othe takyng, what ever crafte it be excepte brewyng and bakyng.

And that no manere man be received unto the saide franchise but that he duell afor his petition makyng within the same.

THE XLIII^{ti}.—[A.D. 1458-9.]

Also, in the same yere it was ordayned by commene assente that ther sholde no manere of man be recevid sensers to passe fre of thar custumes over the sea at sens¹ makyng in no manner wise save only they that bene else by deade [deede] indentyd.

THE XLV^{ti}.—[A.D. 1459-60.]

Moreover, in the xxxviii^{ti} yere of the reigne of the saide Kyng, the saide John Cor beyng Maire, Thomas Nele and John Morgan, balliffs, in the dernhundred day, by commene assente it was ordayned that no manere of man of Yrishe blood nether bondman de recevid unto the

¹ assessment.

MUNICIPAL
ARCHIVES OF
WATERFORD.

fredome of the saide cite withoute he have his fredome and liberte of the Kyng afor and of the lorde that he is bonde unto.

And if there be ony suche recevid unto the saide fredome afor this tyme, that he save the cite lostlesse¹ againste the King for all chelanges that he or his officers wil make in tyme commynge for his recevinge unto the saide fredome.

And if ony suche man be chalenge¹ in the same forme and be convicted in the same, that then he shal pay unto the cite xx^{ti} li. sterling mony, and to save the cite lostlesse against al men in manere aforsaide as ofte as it shal be requierthe.

THE XLVI^{ti}.—[A.D. 1459-60.]

Also, in the same yere it was ordayned by commene assent that no manere of man of the saide cite shal receive none apprentice nother hirlyng, but the saide firste shal receive his othe afor[e] the Maire othre balliffs to be hole² and trewe unto the Kyng and the cite for ever, and who dud the contrary to abide Maire and balliffs grace.

THE XLVII^{ti}.—[A.D. 1459-60.]

In the saide yere it was ordayned that no woman sholde touke [dye³] in no manere place aforstrete within the saide cite by day or night, upon the payne of iii. d., tociens quotiens.

THE XLVIII^{ti}.—[A.D. 1461-2.]

fol. 47b.

Be it knowin that in the firste yere of Kyng Edwarde the Fourthe, John May beyng Maire, Pierce Hunt and John Leche, balliffs of the saide cite, in the dernhundred day, by commene assent it was ordayned and enactid for diverse causes that from hensforthe at thelection of Maire and balliffs, that the Maire for tyme beuge shall goo oute of the courtes and take with him thre parsones⁴ that were Mayres or Maire pares⁵ which the Maire and counsaile wil choese.

And if ony of the saide thre parsones wil say that he wil not goo oute, ne obey the Mayre [h]is will at that tyme within iii. callings, shal pay to the reparation of the wallis viii. marc. and to serve thoffice for noght that yere.

And also the ii. balliffs for tyme beyng take with them oute iii. more, such as Maire and counsaile wil choese, and if ony wil say the contrary, he shal pay iii. marc. and serve thoffice in manere aforsaide.

And if ony man that day of election absent himself to thentent that he sholde not be chose unto ony of the saide offices, then, if he be a Maire [h]is pare, he shall pay an c. s., and a balliffs pare l. s., to the reparaciones of the wallis of the cite withoute any grace.

THE XLIX^{ti}.—[A.D. 1461-2.]

Item, in the saide yere, it was ordayned by commune assente that if ony citsaine, freman or wydewe,⁶ of the saide cite wil gyve the utterance of ony marchandise of ony manere of coloure unto a strangere, if it can be provid, he shal forfett his franchise, and (withoute ony grace) pay xl. s., to the reparation of the wallis.

And he can espy any suche done, he shal have the thirde parte, the officers another, and the Kyng that other thirde parte.

¹ free from loss.

⁴ persons.

² whole.

⁵ peers.

³ or practice the trade of dyeing.

⁶ widow.

THE L.—[A.D. 1461-2.]

Also, in the saide yere it was ordayned that if any forayne or strangere wil by or sill with any other suche any manner marchandise, as wyne, yron, salte, clothe, samon, heringe, hake, whitfishe, other any other goode, within the franchise of the saide citie, than the byere and siller shal forfett what is boght and solde to the devyded as afor is saide.

THE LI.—[A.D. 1461-2.]

In the same yere, it was ordayned that there sholde no maner shipp of fol. 48. aliennts ne of the Kyngs enymeas excepte tho[se] that bene the Kyngis frendes shal have no licennc to be sette agrounde to be graved in no manere place within the franchise of the saide citie, upon paine of forfeiture of ship and goodes, and thair bodies to pryson that woll doo the contrary.

And, also, that they take no [bal]laste of stones on the said paine as ofte as any suche is done withoute licennc.

THE LII.—[A.D. 1461-2.]

Also, in the same yere it was ordayned that the Maire [h]is sieriant, the gaylere and the wakman¹ of the saide citie for tyme beyng shal have the mesuring of salte and corne that sholde long to the shifte² of the communes to helpe them in thair office, upon this condition that every of them have a talle man to mesure and to kepe the wacche, and also to folowe the Maire in markete dayes and at othre tymes necessary, and this as long as it shal please the Maire and commynes, and not of dutie.

THE LIII.—[A.D. 1463-4.]

Memorandum: That in the x. day of October, in the thyrde yere of Kyng Edward the Fourthe, John Cor being Maire, Jeames Brewere and John Molgan, balliffs of the saide citie, in the dernhundred day, by commene assente it was grantid and ordayned that hereafter every citsaine and freman of the saide citie shal declare in the courte al manere actions, as dette, covenant, trespase, accompte, detieneve, disceite, and al other manere actions that any of the said citsains or fremen wil take or may take againste other, within the franchise of the saide citie, withoute any exception or abatynge of his tale by the defendaunt or his attorney in no manere wise, and also that the defendaunt shal not be takin ne convicted in his answere gyving, however he aunswere, but bothe parties to tell the playne of the matire.

And if it hap, that any citsaine or freman sue or vexe any other oute of the franchise of the saide citie, by any manere wyse, or afor any estraunge Judge within the saide francheis, save only before the Maire and balliffs and mynsters of the saide citie, that thanne he that doethe the contrary shal forfett his francheis and pay to the reparations of the wallis x. *li.* tociens quotiens, lasse than he be warne[d] and may have no right before Maire and balliffs.

THE LIIII.—[A.D. 1463-4.]

Also, in the saide day and yere it was ordayned that every deynsen fol. 48b. and forayne duelling within the saide citie shal declare al manere actions as it is afor written, without exception or abating of his tale unto the value of xl. s. and to whom he hathe the actyon or he that is againste him defendaute.

¹ watchman.² share.

MUNICIPAL
ARCHIVES OF
WATERFORD.

THE LV.—[A.D. 1463-4.]

Also, in the saide yere, it was ordayned that if ony estrangere duelling in the contre have ony action to ony man duelling¹ within the franchiseis of the saide cite, whatever condition that he be of, be his action never so greate ne so smal, he shal declare againste him after the discretion of Maire and balliffs for tyme beyng, without ony abatynge of his tale in ony wise.

THE LVI.—[A.D. 1465-6.]

In the fifte yere of oure saide Kyng, William Lyncol beyng Maire of the forsaide cite, Jeames Brewere and Roberte Walshe, balliffs of the same, and whereas diverse patents of exemption of office and enquests have be[en] purchasid by diverse parsons of the saide cite, to the greate hurte and prejudice of the Kyngs chartre and subjects: This by all the commynalte considerid, it was grantid and ordayned by commene assent ever hereafter, for the welfare of the saide cite, if ony parson² wolde labor or purchase ony suche patents of exemption, that than he shal forfett his franchiseis and libertie without ony grace for ever.

THE LVII.—[A.D. 1465-6.]

Also, in the same yere it was ordayned that no citsaine nor foraine duelling within the said cite and suburbs shal sue no writts of error, supersedeas, corpus cum causa, which sholde be hurteful and contrary unto ony judgement gyvin within the courts of the saide cite of ony plaints recoverid in any courte befor Maire and balliffs in manere aforesaide afor ony other judge or judges in Irland, upon payn of forfetur of his franchiseis without ony grace for ever and every foraine, c.s. tociens quotiens, sine gratia.

THE LVIII.—[A.D. 1465-6.]

In the saide yere, it was ordayned for ever that at the election of the Maire there sholde no man goo oute of courte by hymselfe, ne by none other [h]is takyng oute, to be electid Maire save only by the Maire and counsaile of the said cite openly electid and choesen in courte, and the balliffs in likewise.

fol. 49.

And, if ony suche be done hereafter contrary unto this ordinaunce, that it shal stand voide and as for none.

THE LIX.—[A.D. 1465-6.]

Also, in the same yere it was ordayned that no manere man, woman, or childe, shall gyve, borrow ne sili³ bords, yren, pitche, rosene, nor tarre, ne othre thyngs whereby a bote sholde be made, to ony ydle man⁴ of the counties of Waisforde, Kylkeny, Tiperary, and Watirforde, upon paine of xx^{ti}. s., and, if he be a freman, to forfett his fredome withal.

Also, that no carpentere make them botes, nor smythe nayles, upon the same payne.

THE LX.—[A.D. 1465-6.]

Item, in the saide yere, it was ordayned that no man, woman, nor childe, shal gyve, borrow, lende, or sill to no man, gentleman, ydleman, nor husbondman, of the countie of Watirforde, clothe, wyne,⁵ ne salte, vepen or armor, corne, victail, ne no manere marchandis, durante the tyme of thar unkyndnesse other warre with the cite, ne to none

¹ dwelling.

³ person.

² sell.

⁴ See p. 295.

⁵ iron.

other manere of men of no parties aboute the said cite in lickwise, upon paine of xx. s. tociens quociens, and losing of that francheis.

MUNICIPAL
ARCHIVES OF
WATERFORD.

THE LXI.—[A.D. 1465-6.]

Also, in the same yere, it was ordayned that no manere of parson¹ sholde by no manere marchandis ne victal at no tyme of the yere comyng to the cite by water or by land att the Back, Grenaghe, Donkitt, or without the gate or within, till it com unto the market place, which is ordayned in the saide cite, in disceite of the custom and murage of the same, upon payne of vi. s. viii. d., tociens quociens.

THE LXII.—[A.D. 1465-6.]

Also, in the saide yere, it was ordayned that none apprentice sholde be recevid into the francheis or libertie of this cite, las² than be pay xl. s. and his fees, and that he be of goode name and fame provid by his maister, being vii. yere his apprentice.

And al othes that will desire the said libertie, whiche have not bene apprentises in manere aforsaide, but foraines and densens³ shal pay iii. li. and his fees, and to be of goode name and fame, knowin by Maire and counsaile, las then he wed a freman is doughter or wife; than he shal pay after the curtesy of the cite as Maire and consail will taxe him.

THE LXIII.—[A.D. 1465-6.]

Item, in the saide yere, it was ordayned ever hereafter that there sholde no manere of man of Irishe ruele and governaunce be received fol. 49b. into the francheis or libertie of the saide cite, notwithstanding that he hadde wedded a citsaine or freman [h]is wife, being widew, othre his doghter, as it is enactid in auncient tyme, till Maire, and balliffs, and counsaile be fully advised of any suche and of all othes, ne no seke⁴ man nor none other that is of evil name or fame.

THE LXIII.—[A.D. 1466-7.]

Memorandum: That in vi. yere of oure saide Kyng, John Morgan Maire, Phylip Seriant and Thomas Nele, bailiffs of the saide cite, by assent of all the commynes in the dernhundred day, it was enactid ever hereafter that al manere of sensers, whiche bene fre for terme of life, as wel within lands as without, to passe the see, that if they pay not thar sens⁵ yerly unto the balyf as they ar bounde to pay within ii. moneths after the terme of Michaelmas [during the] terme of thar lyvis:

And, then, if any suche sensere will not pay his sens in manere aforesaide, by him or his attorney, he shal forfeit his liberte and fredome which he hathe by a special graunt of the Maire and commynes of the saide cite, whethre it be by endenture or any writing of recorde in the boks of the saide cite.

And if any such be founde faulti, he to pay his custume and never to be recevid unto the saide liberte againe.

Also, that al suche sensers which bene and shal be recevid in tyme commyng shal fynde sufficient suertie within the said cite or suburbs to the ballif for tyme being, that they shal yerely pay thar sens in manere aforesaide, else none to be recevid.

And, if they pay not by the forsaide day, that than thar suerties shal pay the double of thar sens, sine gratia.

¹ person.

² unless.

³ denizens.

⁴ sick.

⁵ Sens, cense, assessment and taxation.

MUNICIPAL
ARCHIVES OF
WATERFORD.

THE LXV.—[A.D. 1467-8.]

In the vii. yere of oure forsaid Kyng, Jeames Rice being Mayre, Walter Synot and Morishe Wice, balliffs of the saide citie, it was ordayned and enactid by [w]hole assent, in the dernhundred day, that ever hereafter at thelection of Maire and balliffs yerely that every man that hath bene Maire, and every Maire [h]is pare¹ shal have iii. voices.

And al balliffs and othres of the counsaile that have none office, every of them ii. men[s] voices, and that every commoner shal have his owne voice.

Also, that every Maire and Maires pare that shall goo oute of the courte to be elected in office shal have his own voice to thelection of the Maire as wel as every of them that ar within courte.

And that never this acte be annulled by no dernhundred, save only by the foresaide voices.

THE LXVI.—[A.D. 1467-8.]

fol. 50.

Also, in the saide day and yere, it was grauntid and ordayned, by assent of al the comynalte of the saide citie that if ony freman or citsain sue or vex ony other citsain or freman by ony manere writts concerning ony manere action oute of the saide citie, that he that so doeth shal forfett his franchiseis and liberte for ever, without ony grace.

Also, if ony of the saide fremen or citsains sue or vex any foraine dwelling or abiding within the saide citie or suburbes by ony writts in manere aforsaide, he shal forfett his saide libertie and franchiseis.

And, also, if ony of the saide forains sue or vex ony other foraine, citsaine or freman,² duelling there in likewise oute of the said citie, that than he shal pay to the reparation of the wallis xl.s., as ofte tymes as any suche shalbe found faultie, or more as the case shall requyre, after the discretion of Maire and balliffs for tyme beyng.

Provided that this acte be not prejudicial ne hurt to no parson³ nor parsones that bene refusid of right within the courte of the saide citie.

THE LXVII.—[A.D. 1467-8.]

In the saide day and yere, it was grantid and ordayned by the assente of al the comynalte of the said citie for euer more, that whatsoever manere frere of thordre of thospital of Sancte John in Jerusalem, constituted in al the lande of Irland, owith ony money or hath borowid or lende⁴ ony goodes of any citsaine, freman or foraine duelling within the saide citie or suburbes, or hereafter wil owe othre lende in likewise, and if he will not pay his detts, when case required, that then lawfully every man may arreste every suche frere by his owne body and goodes, where ever they may be founde or ony of them so owing dette and goodes, in manere aforsaide, within the franchiseis and liberte of the said citie, and ther to sue hym and every suche in courte after the ordinance of the said court and citie, notwithstanding that his Prioure be not named with him in the pleinte, unto tyme that al such freres pay thar detts and goodes unto the pleynntifs at al tymes of sute.

Also al[1] manere men and women of religion in likewise to be sued, of al manere ordres, withoute ony exception, thogh thar superiours be not named in the pleinte.

Also, al[1] women that borrowid or lendid⁵ any manere of goodes, or that owith ony dette to ony citsaine or freman of the saide citie and suburbes, if thar housbonds bene absent and can not be founde, that then lawfully

¹ peer.

² dwelling.

³ person.

^{4, 5} taken on loan.

every suche woman may be arrestid by hir owne body and sued by the lawe into the tyme that she satisfie the pleintif of his action, without takyng delayes, las than¹ she be a freman [h]is wif, notwithstanding that the housbonde be nott named in the pleinte.

MUNICIPAL
ARCHIVES OF
WATERFORD.
fol. 50b.

And also, that this acte and ordenance extende and take place and effecte in al other matires as wel of contracte and trespasse as in all premysses.

THE LXVIII.—[A.D. 1467–8.]

Also, in the saide yere and day, it was ordayned and enacted by commune assente for ever, and never to be annullid, that no manere aliennt, borne oute of thobeysaunce of the Kyng of Englande [h]is realme and lands, that is to say, Englande, Irland and Wallis, be recevid into the francheis and liberte of the said citie, ne to no manere offices parteyayng to the same, las² that a citsain [h]is childe by chaunce be borne in any straunge lands oute of the saide realme and lands aforesaide.

THE LXIX.—[A.D. 1467–8.]

In the same yere, it was graunt and ordayned by the Maire and counsaile that if it shal fortune that ii. estraungers marchaunts or deynsenes take any action, that one againste that othre, befor Maire and balliffs, that then some of the beste fremen of the saide citie, after the discretion of Maire and balliffs, shal passe betwene them in a jure, if the principal of thaction and value passe xl. *li*.

THE LXX.—[A.D. 1467–8.]

Also, in the saide day and yere, it was ordayned and enactid by the Maire and counsaile of the saide citie that there shal none of the saide counsaile, that is now or shal be, passe in no jure betwene party and party befor Maire and balliffs, lasse³ than the principal of the action passe xx. *s.*, and that thaction partaine to one of the consaile.

THE LXXI.—[A.D. 1468–9.]

In the viii. yere of our saide Kyng, Nicolas Devereux beyng Maire, Readmonde Roeche and John Butler, balliffs of the said citie, att the dernhundred tyme it was ordayned and enactid ever frome thensforth that there sholde be no fermes⁴ ne termes gyven of no manere of lands belonging to the commynes of the saide citie, within nor withoute, in housen, gardains, parcks, and crofts, save only in the dernhundred tyme, or else by thadvice of the Maire and counsaile and not only by Maire and balliffs. And if any such fermes be grantid contrary to this acte, that it stand voide and of none effecte.

THE LXXII.—[A.D. 1469–70.]

Be it known that, in the ix. yere of Kyng Edwarde the Fourth, fol. 51. Jeames Rice being Maire, Jeames Longe and Morishe Wice [Wyse] balliffs of the saide citie, in the dernhundred day it was belefte⁵ and ordayned by commene assent that no manere of man duellyng or abiding within the saide citie and suburbes, sill no manere of freshe fishe, that is to say, hake, heryng, and white fishe to no manere estraunger by no manere meanes save only to fremen of the saide citie, whiche he shal be knowin openly that he payed therfor of his owne proper goode.

¹ unless that.

^{2, 3} unless.

⁴ leases.

⁵ decreed.

And if ony do contrary to the said acte and ordynance, that then he shal pay for every meise¹ so solde xii. *d.*, and for every c. hacke ii. *s.*, and every burdone of white fyshe ii. *s.*, the third parte to the Kyng, the thirde to the officers, and the thirde parte to fynders, and the byer shal pay a fyne, after the taxation of Maire and balliffs.

THE LXXIII.—[A.D. 1469-70.]

In the saide day and yere, it was ordayned and enactid ever after that who ever that maketh a fray, of what estate or condition he be of, with knyf draght blodshedde, or with any other wepyn of defence, within the saide citie, suburbes, and franncheis of the same, that then the parson or parsones that make suche affrayes shal be arrestid by thar owne bodyes and broght to warde there to abide without ony maynprice till it be provid which of them shal be found faultie.

And then the faultie shal remayne in prison unto tyme that he make full payment of al that he is founde faultie by enqueste or of his owne knowlege, that is to say, to putt him in grace, as Maire and balliffs will taxe him after thar discretion.

And if ony suche affray makere be founde gilty twies,² he shal pay double withoute grace, and the thirde tyme to pay tribble, withoute ony grace.

And who that ever pray, favor, or mantaine ony such affray makers, shal pay for a fyne to the Kyngs werks vi. *s.* viii. *d.* as ofte tymes as ony such is founde gilty, and this to be levid without ony grace.

THE LXXIII.—[A.D. 1469-70.]

Also, in the saide day and yere, it was ordayned and enactid, by all the commynes assente, that the Maire nor constables of the Staple sholde receve no manere of man into the fredome of the same withoute thadvice of the marchaunts of the Staple whiche wil be presente att that tyme of congregation, and in especial of x. or xii. of the counsaile.

And that no man be recevid marchaunt of the Staple, lasse than afor³ he be a freman sworne of the saide citie and of English nacion, or else to have his liberte of the Kyng.

fol. 51b.

And no manere of man by noo freshe hyds within the jurisdiction of the saide staple, save only marchannts of the same whiche shal be admyttid by the Maire and constables of the saide Staple lawfully to by and syll.

And that no manere of man by no manere of freshe hyds above x. *d.* an hyd, within ony place where the Staple hath jurisdiction, by him ne by none other in his name, upon forfeitur of al the hyds⁴ bought and solde, and thar bodies to pryson till they make a fyne after the taxation of the Maire and constables of the saide Staple.

And that none by salte hyds above x. *s.* a dicker, upon the saide payne and forfeitur of thar liberte of the Staple.

THE LXXV.—[A.D. 1469-70.]

Also, in the saide yere and day, it was ordayned and establid ever hereafter by the Maire and commynes, in the dernhundred day, that if hit happe that ony citsaine or commner⁵ duelling or abidyng within the sayde citie or suburbes by cheaunce kyll other slee ony man, what ever nation he be of, Englishe or Irishe, in defence of the citie, or in his own, wherever he be, as for the right of the citie, so that it be provid by goode evidennce that it be not affray made of purpose or by mysse-

¹ measure of herrings. ² twice. ³ unless that previously. ⁴ hides. ⁵ commoner.

advised men, whiche bene provid afore of suche ruele,¹ and not for the right of the citie, ne in defence of it, that than all suche slaghts² and kylling done in defence, helpe, and supportacion of the citie, if ony suete or chalyng be after ony suche so done in commene or in speciall for ony amends, the saide Maire and commynes will and graunte, if nede be, the amendis to be made that it be equally divided upon Maire and commynes every man after his porcion bothe pore and riche, and that by foure cessoures chosin by the Maire and counsaile for tyme being.

And if ony man duelling within the saide citie or suburbs make ony affray, manslaughter³ [er], othre kylling, by his owne foly and not in defence, ne for the right of the saide citie, in manere aforsaide, that then he, that doethe so, stand to his own foly. And to this ordinaunce afor writtin, the saide Maire and commynes byndith them yontly [jointly] and severally to stand by this acte att al tymes by thar might and poer [power] without ony contradiccion.

THE LXXVI.—[A.D. 1469-70.]

In the saide yere and day, it was ordayned and enactid by the saide Maire and commynes that there sholde be no gentleman [h]is child of Irishe ruele of all the counties aboute the citie be fusterid³ nor kepte in sojorne within the saide citie ne suburbs by no manere of man ne woman duellyng or abiding in the same ever hereafter without that the kepere of the childe fynde sufficiant suartie within the saide citie to Maire and balliffs for time being to save the citie lostlesse agaynste al men that will sue or make ony chalyng for ony suche childe, what ever fortune of hym wthin the saide citie or suburbs, and this on payne of losyng of his frauncheis whosoever doo the contrary; and also shal pay to the reparation of the wallis, after the taxation of the saide Maire and balliffs.

And if it hap that ony pray or robbery be made on the citie or suburbs for ony suche cause, that then the keper of the childe shal make amendes for the trespassse so done to the owner of the goods, lasse [unless] the suete makere will sue him that hath done the offence, after the course of the commene lawe.

THE LXXVII.—[A.D. 1469-70.]

Also, in the saide yere and day, it was ordayned and enacted for ever hereafter, by commene assent, that there sholde no oute commes man nor strangere be receivid freman into the liberte of the saide citie unto tyme that he be abiding and duelling⁴ thre yere housholdere in the saide citie or suburbs that the Maire and commynes may knowe of his ruele,⁵ conversation, and governaunce, and specially of his goode gydyng.—And if he be of Irishe blode, that than he have his liberte of the Kyng, er[e] ever he putte in his petition into the dernhundred to be fre, and if it fortune that ony oute commes man or strangere other ony of Irishe blode, of what estate or condition he be, marye or make ony contracte with ony fre widew or citsaine [h]is doughtre from the hieghest degree to the louest, or he be abyding or duelling, other have his liberte in manere aforsaide, that then the liberte and frauncheis of the saide widewe and doughtre stand voide and of none effecte, butt as all othre strangers.

And if the widew or the citsaine [h]is doughtre fall in ony fornicacion without matrimony, that then they lose thar liberte withoute ony grace.

¹, ⁵ behaviour.

² slaughters.

³ fostered.

⁴ dwelling.

MUNICIPAL
ARCHIVES OF
WATERFORD.

And also if ony apprentice or ony other abiding or duelling within the saide citie or suburbes, of Yrishe blode and nation callid or provid, desire the liberte and francheis of the saide citie, that firste he shew his liberte of the Kyng undre seale er[e] his petition be recevid or admyttid, and that he be of English aray, habite, and speche, to kepe tholde ruele and ordynnaunce hensforward of the saide citie.

THE LXXVIII.—[A.D. 1470-1.]

fol. 52b.

Be it knowin that in the x. yere of the reigne of our saide Kyng, the forsaide Jeames Rice being Maire, Richarte Strong and Roberte Walshe, balliffs of the saide citte, in the dernhundred day it was by commene assent ordayned and enactid that every citsaine and freman of the saide citie sholde have sufficient harneys¹ and hand wepyn,² every man after his degree, as he ought to have admyttid able by Maire and officers for tyme being yerely for himself and his men.

And all tho[se] that hath not sufficient harneys, ne hande wepyn, at the makyn of this acte, that they all and every of them have it by the festes of Ester and Myghelmas nexte folowing this present date, upon payne of the losing of thar fredome and frauncheis if ony suche be founde faultie by the saide festes, that is to say every freman, be he never so symple, shal have a jack³ and a sallet,⁴ or an harburion⁵ and a sallet or a basnet, with sufficient hande wepyn whiche he can occupy beste, upon the saide [penalty] without ony grace.

THE LXXIX.—[A.D. 1470-2.]

Also, in the forsaide day and yere, it was enactid and ordayned, by commune assent, that who that ever marchour,⁶ be he Irishe or English not beyng ripe to sue by the kyngs lawe, as case requyrith in cities and townes thar actions after fourme of lawe, therfor by the saide commene assent it is ordayned and establid for ever hereafter that if sach marchours take ony chalaunge or action againste ony man duellyng within the saide citie or suburbes of the same in ony manere chalaunge or action of dette, covenant, trespasse, or ony other action, if the defendaunt be knowlegid of thaction at the makere [h]is suete,⁷ than the Maire for tyme beyng shal commytte him to warde unto tyme that he satisfy hym that takith thaction of him by his owne knowlege.

And if ony deny it, that thaction is not trewe, than the Maire shall take examination of the matires, as well within courte as withoute, and then by evidennce of both parties after his discretion, he shal gyve awarde in al suche matiere as it semeth him beste after thar evidennce, by the advice of iii. or iiij. of the counsaile, whiche the Maire will call to hym.

THE LXXX.—[A.D. 1471-2.]

fol. 53.

In the xi. yere of the saide Kyng, Pierce Hunte, Maire, Jeames Sherlok and Pierce White, balliffs, it was ordayned and enactid, by commune assent, for ever herafter, that there shal no manere of man, woman, ne childe, duelling⁸ or abiding within the saide citie, suburbes, and francheis of the same, purchace nor sue ony protection undre the Kyng's seale, for hymself and his goodes, and to delay all othre actions upon payne of forfeiting of thar fredome and francheis for ever; if ony freman sue or purchace ony suche protection, he shal pay a fynne after the discretion of the Maire, balliffs, and counsaile for tyme being.

¹ armour.

² weapon.

³ coat of mail.

⁴ helmet.

⁵ haubergeon.

⁶ dweller on the borders.

⁷ suit.

⁸ dwelling.

And if he be no freman, that he pay the same fyne, if he be able, else to be expulsid oute of the cite for ever, withoute any grace.

THE LXXXI.—[A.D. 1471-2.]

In the saide yere, it was enactid and ordayned by the saide Maire and commynes that if it happe that ony man duelling within the saide cite or suburbs be bownde in a viage to passe the sea that there shal no man ne woman duellinge within the same, have him arestid for no manere action, the day of his sailing, so that thactour be full come (*sic*) and hath witting that the defendaunte is bownde in his viage afor the day of his sailing, or else that ony suche be fugitif.

THE LXXXII.—[A.D. 1471-2.]

Also, in the xxiii. day of Januer, in the saide yere, it was condescendid by the Maire and counsaile of the saide cite that if ony freman or citsaine of the saide cite or suburbs be fugitif and absent and kepe him within his house to shonne¹ attachment or areste for all actions that att sute off the party the seriaunt shal sompne ony suche att his house, whedre he be within or noo to appere and aunswere the lawe.

And if he appere not the firste day, he shal be amercid, and the seconde day in likewise and if he appere not the thirde day in courte, then he shal forfeite his franchiseis and liberte and after to be arestid within his house.

And this acte was made for a remedy of great perell and myschief that might fall hereafter and that it be executid in general to all men.

THE LXXXIII.—[A.D. 1472-3.]

In the xii. yere of oure saide Soveraine Lorde the Kynge, than Jeames Rice then being Maire, Richarte Andrew and John Butler, ballyffs of the saide cite in the dernhundre day commene assente for ever hereafter that if it happe that ony burgeis or ony othre man duelling and abiding within Kylkenny, Clonmell, Fydarde,² Casshel, Callan, Roesse, Youghill, Kynsale, other ony other towne that usith marchandise with the saide cite in bying and sylling with ony citsaine or marchaunt or ony other duelling within the saide cite and suburbs sholde owe ony citsaine freman or marchaunt of the cite for his marchaundise bought of any of them, if the dettoure be fugitif and will not come to the cite openly if his wif may be founde within the saide cite the dettor absenting him in manere aforsaide than [then] she shall be arrestid and kepte in warde unto tyme that hir husbonde satisfy such as he owith or himself in proper parson to come and aanswere for hir. fol. 53b.

Provided so that the counties in circuyte the saide cite stande in like case from the hiegheste unto the lowest degre.

THE LXXXIII.—[A.D. 1472-3.]

Also, in the saide yere, the xxii. day of Januer, it was enactid, affirmed and establid for ever in tyme commynge that if ony citsaine, freman, or marchaunt of the saide cite make ony bargaine with a strange marchaunt or marchaunts in ony estrange lands of ony manere marchandise what that ever condicon he be of and lade the goods there las³ than al manere adventures (*sic*) be upon the saide citiesain, freman, or marchant from the porte that the saide marchandise is lade unto the porte of the said cite

¹ shun.

² Fethard.

³ unless.

MUNICIPAL
ARCHIVES OF
WATERFORD.

withoute any fraude or collusion, that than all suche marchaundis shall be custumable in payng al manere custumes longyng to the saide cite.

And if it happe that any of the saide citsains or freman saile in any ship so lade into any porte in manere aforsaide and make a bargaine without the porte in the see, contrary unto this acte, he shall pay all custumes as a straungere, notwithstanding any adventure without any contradiction.

And, also, if any citsaine or freman make any bargaine with any estrangiers which bene custumable and by chaunce to mete at the see [sea], he shall pay custume in like wise.

And if any citsain or freman make any bargaine with any marchant within any porte of this land of Irland, England, or Wales, and bring his bargaine to the porte of the saide cite ad his owne adventure, he shall be free of his custumes.

Provided at all tymes the cockett [be] exceptid in al manere bargains.

THE LXXXV.—[A.D. 1473-4.]

In the xiii. yere the forsaide reigne, Wylliam Lyncoll beinge Maire, Richarte Strong and Patricque Rope, ballyffs of the forsaide cite, it was ordayned that who so ever man or woman have swyne walkyng in the cite or suburbes, if thei walk within the cite or brek men[s] gardens and parks within the francheis of the same or do any hurte that they be slaine without any enpement.

THE LXXXVI.—[A.D. 1473-4.]

fol. 54.

In the forsaide yere, it was ordayned that the seriaunt callid vigilator or wakman of the said cite sholde not have his sallary at one terme of the yere to Cristemas, but only a peny att every quarter during the yere.

THE LXXXVII.—[A.D. 1473-4.]

Also, in the saide yere, it was ordayned and established by thassent of all the comynaltie for ever hereafter that no manere of man duellyng within the saide cite and francheis of the same shal goo awarre nor victaille no shippes of warre in no wise ne none othre manere veshell greate ne smale a war viage nethre by no manere of colouir to gyve, lende, or syll unto them no manere [of] harneis nor wepyn without licennce of Maire, balliffs, and counsaile, and fynding sufficient suerties within the said cite that they shal do no harme ne hurte to none of the Kyngs liegmen nor peasmen, and that they brek not the Kyng's sauf-conduyte, nothre the frauncheis and privilegis of cities and townes, nor none acts made by Parliament in this lande touchyng the same, ne the Kyngs lawis in noo wise upon payne of c. li., as ofte as ony be founde gylty and every of them to pay the same payne, withoute any grace, half to the Kyng, and that othre to the officers and forfeiturs of the same.

And he be a freman, he shall forfeite his liberte and fredome for ever, and also to make goode of all the losts¹ that is done, withoute any grace.

And, if it fortune that any goo agaynste any of the negbores of the saide cite to succoure them at tyme of nede, that they do no hurte during the tyme, upon the same payne, lasse than it be in thar owne defence as right will, afre the discretion of the Maire and balliffs for tyme beyng, with some of the beste of the counsaile, nethre that none of

¹ damages.

the peasmen of the saide citie ne frauncheis do no hurte upon none of the saide men ne goods, upon the saide payn.

And, if any parson avoide for the saide deade¹doynge, not abiding punyshment ne correction after the forme aforwritte, that than his wif and childer be sett oute of the citie and frauncheis for ever, and all his goods, movable and unmovable, be kepte for the saide offences so done in manere aforsaide, and that none counsaile, supporte, nor pray for none of them in no wise, upon the saide paynes, and to be attached and empechid to the Kyng and his Counsaile in England, or to his Lieutenaunt or Justice with Consaile and Judges in Irelande.

THE LXXXVIII.—[A.D. 1474-5.]

In the xiiii. yere of the saide reigne, Jeames Rice being Maire, Thomas Broun and Geralde Lyncoll, balliffs of the saide citie, it was ordayned and enactid that no manere man nor woman procure nother² take away no childe, that is to say, son othre³ doghtre, or apprentise, or servaunt of any citsayne of the citie beyng within the eage of xx^{ti}. yere, withoute leve and suffraunce of fadre and modre, othre maistre, if they have any lyving, and, if they have none, then to have leve of the nexte cosyne, that any suche yonge parsones have within the citie, and whosoever do agaynste the saide ordenaunce, he shal pay an c. s. to the fadre and modre, or maistre other⁴ his nexte cosyn. And that the fadre or modre othre cosyn may lawfully have an action of dette agaynste them that procured or taketh away any suche yong parsones⁵, as it is afor rehersid.

THE LXXXIX.—[A.D. 1474-5.]

Also, in the same yere, it was ordayned if any man or woman of the saide citie bye rodders⁶ or any othre marchaundise custumable beyonde the ryver, othre in this syde of the ryver, within the laynth of a myle unto the citie, that all tho that bieth any suche rodders, or marchandise, shal pay the duhe custume of all suche unto the King [h]is ballyffs.

THE XC. ACTE.—[A.D. 1474-5.]

Also, in the same yere, in the dernhundred day, it was ordayned and enactid that if any man or men within the saide citie othre suburbes make any insurrections or a rysyng att any time hereafter with force and armes agaynste Maire, ballyffs, and counsaile, than that all suche reysers⁷ be banyshid for certaine yeres oute of the citie and suburbes, and to make a fyne every of them accordyng unto the discrecion of the Maire and counsaile.

And that the principal rysers be banyshed oute of the citie and suburbes for ever more.

THE XCI.—[A.D. 1474-5.]

Also, it was ordayned and establid in the forsaide day and yere that if any man or woman dwellyng or abidyng within any shoppe of the saide citie, othre suburbes of the same, receive other take to syll of any man [h]is son, doughtre, servaunt, or apprentise, salte, yronn, silk, saffronn, whete, malte, fishe, fleshe, brede, ale, candells, or any other goodes or marchaundise, that than the parson and parsones that receivid suche goodes to syll, or they or any of them make any sales of any parte of the same, that they and every of them shall tell to the maister and maistresse of suche parsones as delyvered them the forsaide goodes to syll, that they have receivid such goodes of them.

¹ deed-doing. ² nor. ^{3, 4} or. ⁵ persons. ⁶ horned cattle. ⁷ risers.

And if they and every of them declare and tell it not, as it is aforsaide, that then the man or woman that will not doo so, shall be banyshed oute of the citie and suburbes, if it be so provid.

And to make a fyne, after the discretion of the Maire and ballyffs, for tyme beyng, and every man that fele¹ hym grevid, to have his action agaynste them, and every of them, upon the same.

THE XCII.—[A.D. 1475-6.]

In the xv. yere of the saide reigne, the forsaide Jeames Rice beyng Maire, William Lunbarde (*sic*) and Richarte Strong, balliffs, of the saide citie, it was ordayned and enacted, by commene assent, in the dernhundred day, ever herafter, that no manere man, woman, nor childe, putte no manere dunge, ramell² or fylth into the ryvere over no key nor slippe of the citie. ne into Saynte Mary strete, nether into the Kyngs ditches, nor beside them from the marckette crosse unto Arondelis gate, upon the payne of iiii. *d.* tociens quociens, to be levid by thofficers and by every of them, juncte and severall, to thar owne use, withoute any accompt or enpechmennte for ever.

THE XCIII.—[A.D. 1477-8.]

fol. 55b.

In the xvii. yere of the forsaide regne, Jeames Sherlok, being Maire, Patrick Rope and Patrick White, ballyffs off the saide citie, in the dernhundred day, by Maire, counsaile, and commynes, it was ordayned and enacted that all the gates by all the keyes³ of the citie att vi. of the clock be made faste every night from Mighelmasse unto Ester, and that every night from Ester unto Mighelmasse att ix. of the clock.

And that none of the saide gates be opened by night after the saide houres unto daye, withoute licennce of the Maire for tyme beyng.

And who shall doo contrary unto this acte, shal pay to the Maire and balliffs vi. s. viii. *d.* as ofte tymes as he be founde faulty.

THE XCIII.—[A.D. 1477-8.]

Also, in the same yere and day, it was ordayned and enacted that what ever price the Maire putt upon the corne, if ony manere man or woman will pass that price in bying of corne, that he or she that so doeth shall pay of payne for a bushell att every tyme vi. *d.*, iii. *d.* thereof to be gyvin to the parson, be it man or woman, who espieth him or hir that doeth contrary to the said ordynance, and that othre iii. *d.* to the officers.

THE XCV.—[A.D. 1477-8.]

Also, in the saide yere and day, it was ordayned and enacted if ony man or woman sill⁴ fleshe within the citie or suburbes till it come to the Kyngs sheambles, and there be praysed,⁵ it shal coste him that soo doeth xii. *d.* at every time that he is founde faultif.

And, also, after that the flesh is praysed,⁵ if that he sill⁶ it derrer than it was praysed⁷ it coste the siller xii. *d.* at every time that he is faultif the penaltees to be devided as afor is saide.

THE XCVI.—[A.D. 1477-8.]

In the same yere and day, it was ordayned and enacted that thelection of the constables of the suburbes of the saide citie shal be ever from thensforwarde, in the dernhundred day, in the Gildehall, and that to be chosyn by the Maire, balliffs, counsaile, and commynes.

¹ feel. ² dirt. ³ quays. ⁴ sell. ⁵, ⁶, ⁷, appraised.

And that the saide constables so chosyn be of goode and honeste conversation in the saide suburbes duelling, and that they can spek goode Englishe, and the saide constables to have every yere to every of them of the Maire and commynes iii. yards of Englishe clothe, to make every of them a gowne, and that the said constables werre Englishe aray duelye.

THE xcvi.—[A.D. 1477-8.].

Also, in the same yere, it was concludid by the Maire and consaile of the saide citie that where as dyverse tymes thofficers of the same citie, as Maire, balliffs, and Recorder, enduryng the yere of thar offices, hathe often tymes goue in viages and journayes, as wel into England, Flaundres, Portyngale, and othre countries beyonde see [sea], as into othre dyverse cities and townes, within the same lande of Irland.

Wherfor the saide Maire and counsaile consydering and advertising the great daungere and parell that the citie stand in dayly as wel by the King's Englishe rebellis as his Yrishe enemees envyroned rounde aboute the same, and also how that, by thabsente of the saide officers, the saide citie might staunde in greater daungere and perell, it was enactid and fol. 56. establid, by thassent of the saide Maire and consail, what so ever parson berryng the cure of any of thes officis aforsaide, enduring the yere of his office, will goo in any viage or iournay without licennce hadde of the Maire and consaile of the saide citie, that then suche parson or parsones as soo doo shall forfett and forgoo the liberte and fraunches of the saide citie, and shall pay x. *li.*, without any grace. And also shal save the citie lostles agaynst the Kynge or any of his mynestres in all actions by reason of the saide absente.

Also, that no ballyf enduring the yere of his office shall passe nor excede the fraunches of the saide citie by land nor by water, to abide oute a day and a nyght without licennce of the Maire for tyme beyng.

xcviii.—[A.D. 1477-8.].

Also, in the said yere, it was ordayned and enacted by the saide Maire and counsaile that eache man that is ownere of the keyes¹ of the said citie shall make a grate of yren² for the yate [gate] of his owne key, in this wise, the yren upon the owners coste, and the making upon the commene cost of the citie.

And what so ever he be that have a key and will not so doo, that it be lawfull to the Maire and ballyffs to stoppe the saide key yate with lyme and stone, unto tyme that the saide grate be made as it was belefte.³

And who so ever will opyn or disclose any of the saide yates so stopped shal pay x. *li.* to the citie for a fyne to be employed upon the werck of the citie.

xcix.—[A.D. 1479-80.].

Be it knowin that in the xix. of our saide Sovereine Kyng Edwarde the iiiiith the Nycolas Devereux beyng Maire, Philip Bryan and Thomas Porter, ballyffs of the saide citie, it was ordayned and establid by thadvise and consent of the hole counsaile of the citie that for ever in tyme commyng what so ever parson⁴ or parsones, dwellyng and abiding within the fraunches of the same citie be bounde in suertie of the peace in any of the Kyngs courts in Irland, and that thei kepe not the peace by force of the same suerte,⁵ or that it may be undrestande in any

¹ quays. ² iron. ³ ordered. ⁴ person. ⁵ surety.

MUNICIPAL
ARCHIVES OF
WATERFORD.

fol. 56b.

manere wise that they or ony of them entende or purpose to breck the peace, or ony parson aske and desire suerte of the peace of them in lawfull cause and manere, that then it shall be lawfull to the Maire of the citie for tyme being, as Justice of Peace, to take and receve sufficient suerties of peace, dwelling within the citie, of the forsaide parson or parsones.

And if ony of them clayme to be free and att large by ony superseas or other meene suerties founde oute of the frauncheis of the citie, that he that so doo shall lose his fredome, if he be a freman, and over that he shall pay a fyne, afre the discretion of the Maire and balliffs.

And, also, if it be thought goodlye by the advise and discretion of the counsaile of the citie, he shall be putt in exile out of the towne for ever, and that the same acte and penalte extende as well against foraynes dwelling within the citie as againste fremen.

c.—[A.D. 1480–81.]

In the xx.th yere of Kynge Edwarde the Fourthe, Jeames Rice being Maire, Foucque Quemerford and John Shalwey, balliffs of the saide citie, it was ordayned and establid by the [w]hole commene assennte for ever in tyme comyng for asmuche as divers parsones within the citie and franchises of the same have divers landes, tenements, rentes, and services, and other possessions in fee symple, fee taile, for terme of lif, and for terme of yeres, by the feftmentes, gifts, graunts, and lesses made unto them, thar haieres and assignes, of the Priour and freres of Sainte Johns of Jerusalem, in Irland, the Prioure of Baethe,¹ the Prioure of Saynt Johns of Waterforde, the Priour of Saint Katerins, thabbot of Donbrothy,² the Abbot of Tynterne, the Deane and Chapitre of the Trinite Chirche of Waterforde, the House of Saynt Stephens, of the same, and of dyvers othre places, seculers and religious, the whiche contrary to goode consciennce and to thar owne said grants have sued divers byllis of resumpcion, and acts of Parliamente made upon the same to have thar forsaide feftments, gifts, grants, and lesses made voided and resumed agayne into thar owne hands, in greate disceite, hurte, and damageages of suche parsons as had the saide feftments, yefts, graunts, and lesses.

fol. 57.

Wherfor it was enactid, as afor is saide, that if ony resumption be made by the auctorite of Parliament for ony of the saide Priours, Abbots, Deanes, Chapters, or othre maistre or maistres of the saide houses or for ony of thar successours, or for ony other in time comyng so that thar saide feftments, yeftes and grants be resumed by the same and that no parson nor parsons of the saide citie and franchises receve nor take eacstate of fee symple, fee taile, for terme of lif, for terme of yeres, nor att will of noo parcell of the saide lands, tenements, rents, services, or of ony othre possessions so resumed, and that no parson nor parsons dwell nor abide in noo house nor tenement of the same, nor occupy noo gardeine, nor myll, nor noo othre manere thing that longith or appartayneth to the same, without the goode will and free licennce of hym or them that occupied the same befor they were resumed.

And that none of them move nor enduce none of the saide Priours, Abbots, Deanes, Chapters, and maisters to make nor sue ony suche resumption. And if ony man doo the contrary of the premysse, or ony of them, he that so doo shall pay an c. li., without ony grace, half to the Kynge, and half to him that leseth his possession by the saide

¹ Bath.

² See account of Dunbrothy or Dunbrody, Co. Wexford, in Chartularies of St. Mary's Abbey, Dublin, vol. II. Rolls series, 1884.

resumption, and that the partie for the same may have an action of dette befor Maire and Ballyffs, and if he be a freman, he shall lose his fraunches and a foreyne shall be exilid and abjured oute of the citie and suburbes for ever.

ci.—[A.D. 1480–81.]

Also, in the same day and yere, it was ordayned and enacted by the [w]hole counsaile and commynes, that, for ever in tyme commyng, every Monday nexte after Holy Rode day of Exaltation,¹ all the counsaile of the saide citie then being and restyng within the same shall appere personally att the knollyng of the bell in the chappell of Jesus beside the Trinite chirche, and there to hire [hear] and abide a Masse of the Holi Goste solenny sayde and song with duhe observaunce. The which so song and endid, all the saide counsaile and every of them holy² shall procede immediatly from the same chappell to the Gildehall of the citie, there to elite³ and chose Maire and Ballyffs for the yere nexte folowing, according with the goode olde and laudable custume of the citie.

And who so ever make default, and appere not att the saide Masse, without a reasonable cause, goode and lawfull, awardid by the Maire, he shal pay a fine of xl. d., withoute ony grace.

cii.—[A.D. 1480–81.]

Also, in the same day and yere, it was ordayned, establed, and concluded, by the [w]hole commene assente and agrementt of al the counsaile and commynes of the saide citie, that no parson nor parsones dwelling within the same citie or fraunches of it, whatever condicion or degree that he or they be of, yeve,⁴ sill,⁵ or lende, or in ony othre wise, make alienation of ony crosbow or crossboues, quarrelles,⁶ gonnies, small nor greate, nether gonnepoulder, to no parson⁷ nor parsons dwellynge nor abiding withoute the saide citie and fraunches of the same in ony towne or cowntre, Irishe or Inglishe, withoute licence of Maire and counsaile for tyme beyng. fol. 57b.

And that no marchaunt of the citie shall bryng none of the saide ordenaunces oute of no cowntre beyonde the see, to be solde nor gyven to no parson nor parsones dwellyng without the saide citie and fraunches of the same; and that no estraungere by nor syll none of the saide ordenaunce within the citie upon payne of forfecture of the same.

And who so ever doo the contrary of the premysses, or ony of them, and is atteynted thereof, if he be a freman of the citie he shall lose and foregoo his fraunches and incurre the paine of xx^{ti}. li., att leste, or more, after the discrecion of Maire and balliffs, if they undrestande that the trespase so requyrethe.

And if he be a foreyne,⁸ he shall incurre the same payne, or more as afor is sayde, and his body to be enprysoned till he satisfy the same xx^{ti}. li., and then to be banyshed and abjured out of the citie and franchises for ever.

ciii.—[A.D. 1480–81.]

In the xx^{ti}. yere of the said reigne Jeames Rice beyng Maire, Foucque Quemerforde and Philip Bryan, balliffs of the saide citie, it was ordayned and establid by the Maire and commynes that from thensforwarde that no manere freman of the citie shall dwell nor abide without the citie by no contynuell resydennece, but that the moste speciall and con-

¹ Festival of the Exaltation of the Holy Cross, 14 September. ² wholly.

³ elect. ⁴ give. ⁵ sell. ⁶ arrows. ⁷ person. ⁸ foreigner.

MUNICIPAL
ARCHIVES OF
WATERFORD.

tynuall residence and principal resorte of him, and of his wif, be within the citie, att discrecions of Maire and ballyffs and counsaile, and that viages beyonde see, pilgrimages, seknesse, fleying of pestilence, be excepted.

ciii.—[A.D. 1480-81.]

Also, in the same yere, it was ordayned and establd by Maire and commynes that from thensforwarde there shal be no Maire nor ballyffs chosen to bere the office of Maire nor ballif ii. yere immediatly aftre othre, but that he that is chosen Maire, and they that be chosen ballyffs one yere, shal not be chosen nor taken to none of the said offices without they have one yere voided¹ betuxt, at leste.

cv.—[A.D. 1480-81.]

fol. 58.

Also, in the same day and yere, it was ordayned and establd by the commene assente that all suche lordes as have gutters betuxte thar houses, he that is wyllyng to amende shall kepe uppe and repaire thar gutters.

And if there be any defaulte in any gutter betuxt thar houses, he that is willinge tamende² and repaire his parte of the gutter shall desire and require his partener, to whom half the gutter appartained, to repaire and amende his half of the same.

And, if he do not so att his requeste, after a monethe [h]is warnynge, he that is wyllyng to repaire his owne half, shal repaire and amend the [w]hole gutter upon his owne coste, and take of that othre that refusith the reparacion of his half ii. d. for a penny for the somme that he spende upon the same, and to have an action of dette for the same agaynste him withoute any delays to be taken therein in courte.

And if the lorde of the house that is so founde in defaulte be not duelling in the citie, the rennt of the nexte terme folowing shall be arrestid in the tenannts hands that duellith in the same house to be delyvered to him that doeth the sam coste upon that gutter, and so from terme to terme unto tyme he be satisfieth of the some so employed upon the reparacions of the same gutter.

cvi.—[A.D. 1480-81.]

Also, in the same yere it was ordayned and establd that from thensforwarde every man, of what ever condicion or degree he be of, spirituall or temporell, that owith any rentte or longable³ to the Kynge, within the citie or suburbs, or for any of the oute lands, shall come and pay his rennts and longable⁴ to the balif recever, for time beyng, or his attorney, on Twesday and Wennysday in Wittson wicke.

And that every man that owith any suche rennte on longable⁵ shall com in to the ballif and present him his payment, the two dayes forsaide, or within, so that the laste parte of the payment be made the saide two dayes.

And who so ever faile herof he shall pay double the some that he owith of rennte or longable.

And that it be lawfull to the ballif or his attorney to have an action of dette agaynste hym that is soo behynde withoute any delays to be taken in courte for the same.

cvi.—[A.D. 1482-3.]

fol. 58b.

In the xx^{ti} yere of the forsaide reigne, John Butler being Maire, Waltere Waddyng and Thomas Sheethe, ballyffs of the saide citie, it

¹ void.

² to amend.

^{3, 4, 5}, landgable.

was accordid by the Maire and counsaile that the mesureres and gadderers¹ of the paymennt sholde be putte in certayne of thar laboure for tyme commyng for gadderyng of paymennts. That is to witt, that they shall have of the marchaunt estraungers for whom they gaddreth paymennt ii. *d.* of the li. of an c. li., and within. And of every li. i. *d.* till the some of goodes come to ii. c. li. And if the goode[s] excede the somme of ii. c. li., then they shall take i. *d.* of every li. up and downe of the firste c. li. and all.

cviii.—[A.D. 1483-4.]

In the firste yere of the reigne of Kyng Rycharde the iiide, Jeames Rice being Maire, Philip Bryan and Patricque Morgane, ballyffs of the cite of Waterforde, for asmuche as it have bene considerid how dyvers parsones² of the saide cite and suburbs of the same be usid and acos-tumed to bie³ moche hervest corne, whereby they offendid God in the commytting of usurie, and also regratid the markett of corne, to the greate hurte and intollerable prejudice of the comynes :

It is ordayned, enacted, and establid for ever in tyme commynge, by commene assente of the counsaile and commynes, in the dernhundred day, that no parson⁴ nor parsons dwellyng and abydyng within the cite and suburbs of the same, what ever eastate or condition he or they be of, bie no bussell of hervest corne from hensforward bifor hand att no lower price nor value than it shal be worth betwixte Myghelmasse and Hallowtide, the same yere.

And if any parson or parsons do the contrary herof, and be therof convictid, it shal be lawfull to Maire and ballyffs for tyme beyng to take and forflect the same hervest corne so boght and to shyfte ond distribute it upon the commynes att the price and value then of the corne, and to amercie the parson and parsones so founde giltie, after thar discretiones.

cix.—[A.D. 1483-4.]

Item, in the saide yere, it was concluded and enacted, by the assente of the [w]hole counsaile, that what so ever parson or parsones of the saide cite, will make assemble congregation or moustre⁵ of people to take ony pledge or dystresse, or to take ony man by his body in the countre⁶ by lande or by water par force and armes, without licennc had of the Maire for tyme beyng, that they or he that doo the contrary shall pay x. *li.* without ony grace, and, if he be freman, he shal lose and fofraite fol. 59. his fredome and fraunches of the cite.

cx.—[A.D. 1484-5.]

In the seconde yere of the saide regne, Rychart Strong beyng Maire, Pierce Forister and Rychart Walshe, ballyffs of the saide cite, it was enactid, in the dernhundred day, by the commene assent that no parson nor parsons shal make no sepulture or grave to be made or dyggid within the Trinite Chirche, without a special lycennc hadde of the Procuratours of the same for tyme beyng, except such parsons of the cite as hath thar certaine sepulture in the same.

And what somever parson or parsons make ony suche sepulture or grave, that he or they shal repaire the same againe withe tyle stones at thar owne coste by a monethis ende, att leste, upon paine of vi. s. viii. *d.* to be employed to the reparacion of the church.

¹ gatherers. ^{2, 4} person, persons. ³ buy. ⁵ muster. ⁶ country.

cxi^{ti}.—[A.D. 1484-5.]

Also, in the saide day and yere, it was enactid by commene assente that what so ever parson or parsons, man, woman, or childe, brecke othre¹ perishe ony glasse wyndew or wyndewes, or ony parcall of tham, of ony churche or cheapell within the cite or suburbes, and is attaynted therof, that then it be lawfull to the procuratours of the same to leve and seise vi. s. viii. *d.* of such parson and parsons as bene founde fautif in the same.

And if he be a childe of none eage² that thaction may be concevid and taken by the procuratours agaynst the fadre or modre or such frends as have him in rule and governaunce.

cxii^{ti}.—[A.D. 1485-6.]

In the firste yere of the reigne of Kyng Henry the Seventh, Jeames Rice being Maire, John Lyncoll and Henry Fagan, ballyffs of the saide cite, it was ordayned and astablid by commene assente that from hensforwarde noo shereman othre frizers and tesellers dwellyng or abydyng within the cite and suburbes of the same shal syll no manere fryse, nor mantill to no manere foreyne, nor none of them shal make no bargaine ne price therof excepte the fryse and mantill whiche is made within thar owne houses, and is thar owne propre goode.

And if thei or ony of them do the contrary herof, he shal pay for a fyne half the value of the goode that is solde the iii^{de} parte to the Kyng, the iii^{de} to thofficers, and the thirde to the spyere and fyndere of the same.

cxiii^{ti}.—[A.D. 1485-6.]

fol 60.

Also, in the saide yere, it was ordayned and agreed by the Maire and consaile that no manere man of the saide cite, from thys tyme forwarde, sholde bie nor sill³ with no manere parson⁴ or parsons being in ony shippe a warre by the see,⁵ contrary to the Kyngs entente, and that spoiled, robbed, or taked ony of the Kyngs liege men or ony othre of his amytie and peace.

And who so ever doo the contrary shall forfeet and lose al such goodes as he or they bie or syll, if it may be founde, else the veray value of the same.

Also, that no manere man victaile, nor make to be victailed, none of the saide men of warre, nor receve nor kepe them in thar houses, withoute speciall licennc of Maire, ballyffs, and iii. or v. of the principal of the counsaile, upon payne of x. *li.*, tociens quociens.

cxiiii^{ti}.—[A.D. 1485-6.]

Also, in the saide yere, it was ordayned and establid by the commene assente that no manere parson of the cite, or suburbes of the same, bie noo salte hydes aboue xiii. s. iii. *d.* the dicker,⁶ nor freshe hydes aboue xiiii. *d.* the hyde, nor the yerd of no manere frise aboue iii. *d.* the yerde, in no towne nor place within the countees of Waterforde, Kylkenny, Tyberary, Weyforde, and Catherlaghe, upon thes paynes, for every hide bought aboue the saide price xii. *d.*, for every dicker x. s., and for every laste x. *li.*; and the value of the fryse in lick manere, if they passe in payment the price aforsaide.

¹ or. ² nonage. ³ buy nor sell. ⁴ person. ⁵ sea. ⁶ A quantity of ten hides.

And for the more streite and duhe¹ observyng of this saide acte, the Maire, consaile, and commynes, bene sworne all and singlerly solenny on the bocke to bie noo hydes, fresh or salte, nor frise, above the price forsaide, upon the same paine and forfeiture of his fraunches, if he be a freman, of the citie, and, if he be a forayn to be exilid oute of the citie.

Provided alway that one freman of the citie may bie and sill hides, freshe and salte, to an othre freman as dere and goode there as he will, afre thar owne agrement, this acte notwithstanding.

cxv^{ti}.—[A.D. 1485-6.]

Also, in the saide yere and day, it was ordayned and enacted that where certaine bouchers² have taken the sheamles [shambles] of the citie unto them for this yere nexte folowing, byndyng them to serve sufficiently the citie of fleshe att all seasons of the yere, that no parson nor parsons of the citie nor suburbes bie no rudders³ which shal com to syl⁴ to the citie, savyng the saide bouchers, excepte thar housholders bie them in season for thar laddre⁵ to stuf thar houses, and that the said bouchers bye the same rudders in thar names that shall bie them.

And if ony rudders be sende unto ony certayne parson of the citie or suburbes, that the sayde bowchers shal bye them for to serve the communes and none othre, takynge ware and marchandise of hym to whom the rudders be sende, and of none othre, if he have such ware as the rudders may be boght for.

And the same bowchers shal take noo necks, nor none othre fees of the bef⁶ for the cuttyng therof, but they shal take a peny for the cuttyng of every bief⁷ that commeth kyllled oute of the countre.

And that the said bouchers shal have the kylling and cuttyng of the larddre⁸ of the citie, taking ii. *d.* for every bief.

And the fyne and amercement of the brecking of this acte be at the discretion of the Maire and balliffs.

cxv^{ti}.—[A.D. 1485-6.]

Also, in the saide yere, it was graunted by the [w]hole commene assente of the Maire and counsaile of the citie, att the supplication of Robarte Brothre, John Nongle, Teyg Caroll, and Thomas Cottrell, webbers,⁹ and the remenaunt of the saide crafte within the saide citie and suburbes of the same, that they from thensforth shall have a bretherede of the saide crafte, and yerely they shal electe ii. of the moste discreteste parsones of the crafte to be maistres for the yere.

And they so chosen may have the rule and over sight of the crafte under the Maire and ballyffs for tyme beyng, and to redresse al manere complaints made by ony parson upon ony of the same crafte in ony thyng appartaynyng unto thar crafte, and to make amends unto the party grevid of the same.

And if ony of the saide crafte will not abide the correction of the saide maistres for tyme beyng for ony thyng mysdone appartaynyng to thar crafte, that then the Maire and balliffs shal supporte and maintaine the saide maistres in correction doying.

Provided that they nor none of them shal take no more for werkynge of thar crafte but in suche manere and forme as it have bene used and accustomed of olde tyme.

¹ due.

² butchers.

³ horned cattle.

⁴ sell.

^{5, 8} larder.

^{6, 7} beeves.

⁹ webbers, weavers.

MUNICIPAL
ARCHIVES OF
WATERFORD.

And that they shalaunswere at all tymes Maires and balliffs when they bene callid for the behouf of the citie, and to the honour of God, the saide suppliants and the remanaunte of the crafte, and thar successours shal kepe and sustaine a light of xii. taperes from yere to yere byfor the aulter of Saynte Marten, within the Trynyte Church of the saide citie.

cxviii^{ti}.—[A.D. 1485-6.]

fol. 60b.

Also, in the saide yere, it was graunted by commene assente of the hole counsaile of the said citie att the supplication of John Poer, Teig Breack, and Thomas Flwyn, shomakers or cordoners, and the remenaunts of the crafte within the citie and suburbs of the same that from thense they shall have a brethreede of the saide crafte, and that yerely they shal electe and chose ii. of the moste discreteste parsones of the said craft to be thar maistres for the yere to rule and oversee the crafte undre the Maire and ballyffs, and they do redresse all manere complaints made by ony parson in ony thyng appartayninge unto the saide crafte, and to make amends unto the party greved.

And if ony of the saide crafte wil not abide the correction of the saide maistres for tyme beyng, for ony thing mysdone in thar crafte, that then the Maire and balliffs shall supporte and mantaine the said maistres in correction doying.

Provided that thei nor none of them shal take no more for werckying and makying in thar crafte, but as it have bene usid and accustomed of olde tyme.

And in case that hydes come to an heigher or lougher price than they bene nowe, that then the Maire and balliffs shal sett the saide crafte att one stynte accordyng to rayson and conscience.

And the said suppliants with the remenaunt of thar crafte shal kepe and sustaine a light of xii. tapers yerly befor thauter of Saynte Blase,¹ within the Trinite Chirche in honour of God.

cxviii^{ti}.—[A.D. 1485-6.]

Alsoo, by [w]hole commene assent, in ther dernhundred day, it was enacted and ordayned for ever hereafter, that all the goode olde usages and priveleges of the saide citie that bene writte and unwritt, and used of auncient tyme, within the saide citie and within the courte of the same shall stande and holde ferme and stable ever here aftre as thei were used of olde tyme.

cxix.—[A.D. 1485-6.]

Alsoo, it was ordayned the saide day and yere, by the commene assent, that all manere actions and plaintes being in the court of the saide citie, betuxt freman and freman of the same, shalbe determyned in the saide courte aftre the olde usuges and priveleges of the saide courte and citie.

And if ony estraungere have ony action agenst a freman of the saide citie in the saide courte, yett the said freman shall enjoye and have all the benefet privileges and usages of the said courte and citie, till the action be ended.

cxx^{ti}.—[A.D. 1485-6.]

fol. 61.

Alsoo, in the said daye and yere, by commene assent, it was enacted and ordayned that there shall no manere of man, woman, ne childe,

¹ The altar of St. Blasius, Bishop of Sebaste, in Armenia, and martyr. His festival was on the 3rd of February.

dwelling or abiding within the citie or suburbs, lende, gyve, nor borow any manere of marchandise, goodes, victail or woll, nothre to sill any such to any manere nation being att warre or att any distance without the said citie, or that doth any hurte to the same, or will goo among them prevy or peart for his propre besynes or any othres, or give to them mete or drink or consaile during ther being att warre, or to make a severall peace with any such, by them selfs or by any othre, if it can be proved upon them that bene fremen, they and every of them shall lose ther franchises and liberte for ever, and pay to the reparation of the walles of the citie x *li.*, as oft tymes as any such is founde giltye, and, if he be not a freman, to be enprisoned xl. dayes, and forfeit his goodes, and, if he had landes and rents, than to be expulsed oute of the franchises for ever.

cxxi.—[A.D. 1488-9.]

In the fourth yere of the forsaide reigne, William Lunbard, being Maire, John Madden and Rychard Walsh, balyves of the saide citie, in dernhundred day, by commene assent of Maire, consell, and commynes, it was ordayned and enacted, that whatsoever parson¹ or parsones, in tyme comynng, putt in a byll or supplication to the dernhundred, that when the aunswere of the said bill or supplication shal be made, that the parson or parsons which putt in the same to desire any thing shall not be present hyring [hearing] thaunswere to be made, and if he or thei happen [to be] present, thei shall avoide unto tyme thei be called in againe and suche aunswere as shalbe then concluded by commene assent then to be shewed unto them that bene suppliants by the Maire or such othre parson as shall please him to command within coarte.

cxxii.—[A.D. 1488-9.]

In the said day and yere, it was ordayned that noo freman nor foraine of the saide citie shall freight noo shippe nor shippes for estrangers of the townes and countrees about the citie, and to take none of ther goodes with them to noo where beyonde the see² nor that none of the saide fremen nor foraynes shal be attornayes for none of the said estrangers into noo where beyonde the see, nor in noowise colour the goodes of the said estrangers.

And whoso ever be founde gilty in the premysses shall pay x *li.*, and forfeite his franchises.

Also, that no freman nor foraine shall gyve couplement³ to none of fol. 61b. those aforesaide, nor take no couplement with them beyonde the see, nor in this side of the see, to no where else, England, Flanders and Wales, excepte.

cxxiiiⁱⁱ.—[A.D. 1488-9.]

Also, it was ordayned that no man sill no marchandise to none estrangers, butt it be delyvered by the handes of the makers, upon payne of xii *d.* for every dicker⁴ hydes and within, besides custume and cocket, and for all marchandise custumable within the som of xx *s.* in likewise.

cxxiiiⁱⁱⁱ.—[A.D. 1489-90.]

In the fifte yere of the reigne of our saide souveraigne Lorde, Patricque Pope beyng Maire, Foucque Quemerforde and Thomas Shethe, balives, in the dernhundred day it was consydered how the custumes of

¹ person.² sea.³ partnership.⁴ See ante, No. cxliii, p. 318.

MUNICIPAL
ARCHIVES OF
WATERFORD.

foraine goodes and marchaundises commyng and goyng to and froo this cite be conceled greatly by dyvers colorable wayes of late fouden.

Wherefore it is ordayned and enacted that from thensforward what so ever goodes or marchandises come to or fro the cite by see or by lande there as a foraine here ony adventre or costes of the saide goodes or marchandises so commyng by see or by lande, that then the King shal take his duhe custumes of the same goodes and marchaundises, according to the statute of the cite.

ccxv^{ti}.—[A.D. 1489-90.]

Also, in the saide day and yere, it was ordayned and enacted that all forains dwelling within the cite shal were gownes and goo still in English aray, and that every of them shall were his gowne att Cristenmasse nexte commyng, and soo from thensforth to contynue alway, and what so ever he be that make defaulte herin, he shall forfecte *viz.* viii. *d.* as oft tymes as he is founde faultie.

And that no lorde of freholde within the cite shall lett no house to rent to no foraine withoute he present him to the Maire for tyme being, to be sworne to the cite and also that he go in English aray, according to this acte, and as ofte as ony lorde of freholde is faultie in ony of thesse poyntes, he shall forfecte to the King the rent of his house so yeven to such forains as muche as commeth to that terme, etc.

ccxvi. —[A.D. 1490-91.]

fol. 62.

In the sixte yere of the reigne of the saide Kyng, John Shalwey being Maire, Walter Wadyng and John Madan, balifs, in the dernhundred day it was ordayned and enacted that noo manere of parson nor parsones dwelling within the cite, or in the suburbs of the same, shalbe admytted to take none action from thensforward by a foraine attachment agenste ony parsons beyng absent, without he can shew a spetialte of his action be of dett that he whos goodes bene attached is owing suche dett as the party supposeth.

And if he can shew no specialtie, that then he shall make his othe faithfully uppon a boke before the courte that the dett is duhe to him. And if it be trespasse that is supposed, if the trespasse be not notory, the plaintiff shall prove the trespasse to be done to hym, by sufficient record taken and examined by the courte.

ccxvii^{ti}.—[A.D. 1491-2.]

In the seventh yere of the forsaide Kyng, Jeames Sherlocque being Maire, Thomas Sheth and Robert Butler, balives, it was ordayned that noo coke¹ within the cite or suburbs from hensforward shall syll² raw flesh, upon payne of forfectour of the same, and to pay xii. *d.* for a fyne, half to the King, and that othre half to the fynders.

ccxviii^{ti}.—[A.D. 1491-2.]

Also, in the saide yere, it was enacted that noo carpenters, masons, helyers, smythes, or ony othre crafty³ men, within the cite and suburbs of the same, refuse to wyrcke⁴ withe no man of the cite or suburbs, for malice or evill will for ony displeasure that the same craftymen or ony of them owith or have ayenste⁵ ony man of the cite or suburbs, butt that they and every of them shall doo ther occupation, according as thei shalbe requyred.

¹ cook.

² sell.

³ artificers.

⁴ work.

⁵ against.

And who so doo the contrary, he shall forfeit vi. s. viii. d., as ofte as any of them is founde gilti.

And that none of such craftymen servaunts receive no wages, without he be in service with his maistre att the same craft that his maistre usith two yere before he be admytted to receive wages.

ccxix^{ti}.—[A.D. 1492-3.]

In the eight yere of the saide Kyng, Patricque Rope beyng Maire, fol. 62b. William White and Laurence Dobyn, balives, it have be (*sic*) considered in dernhundred day, how the course of marchandise in buying and sylling by the meanes of craftymen and othres forains duelling within the citie and suburbes having in them the utterance of mantells, frises, wax, felles,¹ fyshe, and of othre goodes and marchandises to the estrangers, is uttrely disordered and abused in derogation of the priveleges and auncient custumes of the citie, and also to the great hurt and enpoverishing of the fre citsains bering out by ther bodyes and goodes the chearges of the citie, for the more parte, and have none other meanes for ther lyving butt onely faicte² of marchandises, which so withdrawen from them thei shalbe within processe of no power to berre the saide charges for the suertie of the citie, as God defende.

For the remedy herof, it is ordayned and enacted by commene assent that no craftyman, norishis, servants, nor none other foraine within this citie or suburbes dwelling shall syll³ frise, mantles, waxe, felles,⁴ fishe, nor none other manere of ware nor marchaundise to no manere stranger, densyn⁵ nor alient, by no manere of way nor colour, allbe it the saide goodes and marchandises so to be solde be the propre goodes of the saide foraine, or of a freman of the citie, butt that every freman shall syll⁶ and uttre⁷ his goodes to the marchants estrangers, and that the foraines shall sill⁸ ther goodes to the fremen of the citie, and to none other, upon payne of forfeitor of suche goodes as shal be founde to be solde contrary to the tenour of this acte.

ccxx^{ti}.—[A.D. 1492-3.]

Also, in the saide day and yere, it was enacted that no manere man, freman nor foraine, of the citie or suburbes duellers,⁹ shall enpleade nor defende in Yrish tong ayenste ony man in the court, but that all they that ony maters shall have in courte to be mynstred¹⁰ shall have a man that can speke English to declare his matier, excepte one party be of the cowntre; then every such dueller shalbe att liberte to speke Yrish.

ccxxi^{ti}.—[A.D. 1492-3.]

In the foresaid day and yere, forasmuch as Maire and balifs bene fol. 63. chosen to be commene biers of all marchandises commyng to the citie, and bene distributors of the same upon the commynes for this yere, it is enacted and ordayned by commene assent that no manere of man duelling within the citie or suburbes shall goo againste ony shippe or shippes estrangers that shall aryve within this haven, with ony manere of marchandise, and if it fortune ony parson or parsones to be att Passage or in ony othre place within this haven att tharryving: nto the same of ony such shippe or shippes, that then no such parson nor parsons shall goo aborde them, nothre bye, syll,¹¹ nor make bargaine with them nor to goo theddre¹² to thende to awaite uppon the commyng of

¹, ⁴ skins.

² See p. 334.
⁹ dwell.

³, ⁶, ⁸, ¹¹ sell.
¹⁰ administered.

⁵ denizen.
¹² thither.

⁷ utter.

MUNICIPAL
ARCHIVES OF
WATERFORD.

shippes into this haven by no manere of colour, except such parson or parsons be send theddre by Maire and balifs.

And who so ever do the contrary herof, and therof to be convicted, shal pay xl. s. for a fyne, without ony grace, and lose his fredome.

cxxxii^{ti}.—[A.D. 1492-3.]

Also, in dernhundred day, it was belefte¹ that from thensforward to every of the vi. tappers² which is yerly kept by the citie before the ymage of Saynt Otheran³ the balif for tyme being shall putt ii. li. of wax, be it dere or good chepe.⁴

cxxxiii^{ti}.—[A.D. 1496-7.]

In the xiith yere of the forsaide regne, John Maddane being Maire, John Wise and Perse Forestall, balives, it was belefte⁵ and concluded by Maire and counsell that whensoever it shall fortune ony of the vi. sondayes of the Lenten, in which, by the old and laudable custume of the citie, the drynking is holde[n] and kepte to fall voide by the deathe of ony parson, or othre wise, then if the Maire for tyme being have none of the said drynking dayes, the consaile shall assigne the same day to the Maire. If the Maire have a day before tyme, that then the eldest that have borne the office of Mairaltie shall have the same voide day, if he have noo daye before.

cxxxiiii^{ti}.—[A.D. 1503-4.]

In the xixth yere of the saide regne, Robert Butler being Maire, George Quemerford and Nicholas Maddan, balifs, it was ordayned that all tho[se] that taketh any nettis upon half sheare,⁶ that they that takith ony such nettis att half sheare shall paye all costes and the owners of all suche nettis shall repaire them when it nedith.

cxxxv. —[A.D. 1503-4.]

fol. 63b.

Also, it was enacted in the saide yere, that eny man that bringith a bargaine from beyond the see,⁷ othre that byeth a bargaine of eny eastranger, and if he kepe the marchant or marchants xl. dayes after the dayes of the shippe that bring the saide bargaine be expired, that then the saide man that so doth shall pay x. li. to the Maire and balives half to the King and the other half to the officers.

cxxxv^{ti}.—[A.D. 1503-4.]

Also, it was beleft,⁸ the said yere, that no man shall com to the drynkings the Sondayes in Lent, butt only the counsaile.

Also, that half of the profites of the faire courte shall be dyvided betuxt thofficers for tyme being yerely.

cxxxvii^{ti}.—[A.D. 1503-4.]

Also, it was enacted and ordayned that every freman from hensforth that kepith noo houshold within the citie or suburbs shall yerely pay to the commynes for all chearges of the citie vi. s. and viii. d. And this yerly to be payed untill every such freman shall be married and kepe hospitalite.

cxxxviii^{ti}.—[A.D. 1506-7.]

In the xxiii^{ti} yere of the forsaid regne, William White being Maire, James Sherlok and William Broun balives, in the dernhundred day by

¹, ⁵, ⁸, decreed.

² tapers.

³ Odran.

⁴ Equivalent to "bon marché."

⁶ share.

⁷ sea.

commene assent it was concluded and enacted that no foraine duelling within the citie or suburbes passe not over the see [sea] from hensforward a marchant fare except fishers and seafaring men. And that no freman nor fremens factours ne servannts shall be attornais for no forains to convey nor cary ther goodes over the see, upon paine of foriectione of the said goodes, and xl. s. for a fyne of every such attorney, the iiii^d. parte thereof to the King, third part to thofficers, and iiii^d. parte to the fynders.

cxix.—[A.D. 1506-7.]

Also, it was beleft¹ that of all shippes which hensforward shalbe fraight within this franchises into Flandres, what ever thei be estraungers or other that be marchants that the Godds peny,² which shalbe received there to be bestowed and besett to the behouf of Criste Chirch of this citie, and to none othre chirch, and that the Maire for tyme being shall putt the cape³ marchant, what so ever he be in a suertie to bring the Godds peny to the saide chirch befor his departing oute of the haven. And afre the commynge home of the shippe and marchants, the Maire to examyn the cape⁴ marchant how the Godds peny is bestowed. fol. 64.

cxli.—[A.D. 1508-9.]

In the xxiiith yere of the forsaid regne, Piers Forstall being Maire, John Comyn and Richart Walsh balives, by commene assent in ther dernhundred day it was enacted that noo boote⁵ shal bring woode butt only half barges and quarters, exept such othre boots⁶ as shall bring it to the use of the owners and to noo salis⁷. And that every half barge have vi. men. And if thei goo to the Roure to have vii. men. And every quarter to have iii. men and to the Roure v. men.

And who shall doo the contrary herof shal pay iii. s. iiii. d. to the commene and forfeit the wodde.

cxlii.—[A.D. 1511-12.]

In the third yere of the regne of Kyng Henry the viiith, Robert Butler, being Maire, John Morgan and Nicholas Wise, balives, it have be[en] considered by Maire and consaile and commynes how there have bene greate variannce now of late in taking of principales⁸ and by supposails in likewise to be in tyme commynge. And forasmuch as taking of such principales is not by commene lawe, butt only by custume and usage, it have be[en] founde noo such custum here to be used oute of tyme of mynde.

Wherefore, in dernhundred day, by commene assent it was enacted that from hensforward there shalbe noo such custume to take any principales within the cities nor suburbes, nothre by noo manere of parson⁹ or parsons onye clayme to be made concernyng the said principales by onye parsons, or by ony othre in ther name, by the duellers and inhabitants of the citie and suburbes, notwithstanding that they have ony fee symple land within the citie or suburbes, or within the lande of Irelande, upon payne of cc. pounds.

Provided that the son and ayre¹⁰ shall have the fadre [h]is body harnois and signete.

cxlii.—[A.D. 1511-12.]

Also, it was enacted by commene assent that noo man duelling within the citie nor elsewhere shall reise¹¹ keiage of noo kaye nor othre place, that is to say, of no voide straunde, except it be buylded as a keay. fol. 64b.

¹ decreed. ² "earnest" money. ^{3, 4} chapman, merchant or trader.

^{5, 6} boat, boats. ⁷ no sales. ⁸ heirlooms. ⁹ person. ¹⁰ heir. ¹¹ levy or exact.

MUNICIPAL
ARCHIVES OF
WATERFORD.

And who so doth shall pay iii. s. iiii. d. as oft as ony shalbe gilty in taking of ony such keiage.

And this penaltie shalbe to the behouf of the commynes, etc.

clxliii^{ti}.—[A.D. 1516-17.]

In the viiith yere of the forsaid regne, John Maddan beyuge Maire, George Quemerford and John Morgan, balives, in the dernhundred day by commene assent it was concluded and enacted that no manere of man, of what degre he or thei be of, as well deansens¹ as estrangers from hensforward shall lade no manere of well within the great port of this citie in no where to be caried over the see by no maner meane or collusion, upon payne of forfector therof, and ther bodies to prison, there to remayne untyl thei shal pay v. li. to the reparations of the walles of this citie.

clxliii^{ti}.—[A.D. 1516-17.]

Also, it was enacted that no alient marchant, nothre onye manere of alient that shall arrive within this haven, shall goo to no manere of faire or faeires, by land ne by water, vpon payne to forfecte all ther goods.

And that no manere of parson conducte nor leade ony such alient or estrange marchant to no noo towne or village within this land, to by or sill ony manere of marchandise vpon payne of xl. dayes prisonment, and paying v. li. as afor is saide.

clxlv^{ti}.

Also, it was enacted that no manere of man shall receve of ony alient or estrannge marchant ony manere of mony undre no maner of colour or condition to by ony marchandises in any feaire, town, village or othre place within this lande, vpon payne of forfector of the saide goode and mony, and ther bodies to prison.

And that no sherman bye no flocks² to sill to none estrannger on payne of forfectour. All the forsaid forfects to be divided betwixt the King, the officers, and the fynders equallye.

clxvi^{ti}.—[A.D. 1516-17.]

Also, in the saide yere and day, it was ordayned and enacted that all manere of feetaile lands and teneiments ever from hensforward may be gyven and receved to ferme, for terme of lif or for terme of yeres, without ony damage to the tenant fermour, by the ayres of him that gyved ony such fermes undre and upon all and singler conditions, penaltees and forfeitures containgneth (*sic*) in an acte and ordinance made againste resumption in the xx^{ti} yere of King Edward the iiith the c. acte,³ Jeames Rice being Maire.

clxvii^{ti}.—[A.D. 1518-19.]

In the tenth yere of the said regne, Nicholas Maddan being Maire, George Sherlocque and Thomas Lumbard balifs, in dernhundred, by commene assent it was enacted that no freman nor foraine of this citie shall house, loft, nor seller ony straunge marchant goods, as hides, fellis,⁴ or ony other ware, to awaite upon derth, without licennc of Maire and balives, [on] paine of xl. s.

fol. 65.

¹ denizens.

² inferior wool.

³ See p. 314.

⁴ skins.

cxlviii^{ti}.—[A.D. 1518-19.]

Also, it was enacted the said day and yere that no manere of man, what degre he be of, shall cary no flocks,¹ ne wax, over the see, and that no freman or foraine sill no wax to scolers, upon paine of forfecture of the same.

cxlix^{ti}.—[A.D. 1518-19.]

Also, it is enacted, for the reformation of the Cog that noo lords of the Cog² from hensforth shall drynk no maner of man estraunger, ne othre comyng to the citie othre being in the citie, outesept³ ther pleasures and willes.

cli^{ti}.—[A.D. 1519-20.]

In the enleventh yere of the forsaid regne Jeames Sherlocque being Maire, Richardus Devereux and Richardus Walsh, balives, in the dernhundred day, by commene assent it was enacted that no man shall pay abow ii. s. for a fresh or a salt hide on paine of iii. s. iiiii. d. and forfecture of the hide and hides, half to thofficers and the othre half to the fynder, except the hides be bought of marchaunt men.

cli^{ti}.—[A.D. 1519-20.]

Also, it was concluded the saide yere and day for the grevous damage and hynderaunce dayly sustayned unto this tyme by the fremen of the citie by reason that no marchannt can retaile no wyne upon the retailing of the King [h] is prise wyne, that from hensforward every citisain and freman that shall and hath ony wyne may broche them when them lust,⁴ paying to the commynes by the balif recever viii. d. of mony currant for every tonn of wyne that thei shall receve of ony bargayne or that shall com by ther owne lading from beyond the see unto the citie from tyme to tyme ever heraftre. fol. 65b.

clii^{ti}.—[A.D. 1519-20.]

Also, it was enacted that no man hensforward shall pleade att the barre in Court for any party plaintiff or defendant, unlesse he be admytted by the officers of the Court, upon the payne of xii. d. tociens quotiens.

cliii^{ti}.—[A.D. 1522-3.]

In the xliiiith yere of the forsaid regne, Patricque Walsh beyng Maire, Henry Walsh and Thomas Lunbard (*sic*), balives, in the dernhundred day, it was considered how there have be[en] greate variants and debate amongst the inhabitants of this citie for the bying of mariner portages and other habordasher and pitimarchandis⁵ brought by marchant estrang-ers commyng to this citie. For a remedy whereof it is concluded and enacted from hensforward that all manere marchandis what so ever kynde thei be of and mariner portages commyng in ony shippe to the citie that is or shall be devydable, shal be bought by the Maire and balives whiche bene commene biers for tyme being and to distribute the same on fremen of the citie (the propre goods of free citisains and inhabitants only excepted). And that no fre citisaine nor inhabitant shall procure or attempt to bye any manere of marchandis so commyng to the citie withoute a speciall licence hadde of the Maire for tyme being.

¹ inferior wool.

² See in Appendix IX. p. 336, an enactment of 1601 on this subject. The term "cog" or "cogge" was anciently applied to small ships or boats.

³ except at.

⁴ When it pleases them.

⁵ petty merchandise or small wares.

MUNICIPAL
ARCHIVES OF
WATERFORD.

And if ony attempt the contrary, he shall forfecte suche goods as he so bieth, othre¹ he shall make a fyne according to the discretion of Maire and balives.

Provided alway that if it fortune ony fre citisaine to fraight ony shippe or veshell this side the see othre beyond the see wherin shall come ony manere of portage, that then it shal be lawfull to every fre citisaine to by the same portage and marchandises being in the saide shippes or vesshells, etc.

cliii^{ti}.—[A.D. 1523-4.]

fol. 65b.

In the xv^{ti} yere of the saide regne, Nicholas Wyse being Maire, Nicholas Morgan and William Lyncoll, balives of the cite of Waterford, in the dernhundred day, it was by commene assent enacted, ordayned, and for ever herafte established that from hensforward noo parson nor parsons, freman nor foraine, duelling within this cite and suburbs or within the franchises, shall sue nor laboure no writts of corpus cum causa, subpena, certiorari, supersedeas, de errore, nothre prevy seale, nor of any kynd or nature of writte or writtes against ony causes, suyt, or actions that was, is, or in tyme to com shalbe depending or determyned, tried, or judged, with ony Court or Courts of this cite.

And if ony such parson or parsons or othres as afore is saide shall sue or laboure ony such writte or writtes against ony of the inhabitants of the cite or suburbs, for ony manere of causes, or against ony mater or maters in the forsaid Court or Courts depending or tried, determyned, or judged, that then every such parson transgressour shall forfekt x.^sii., as pure dett to be payed to the commynes. And if he be a freman, he shall losse his liberte and franchises.

And if the Maire for tyme being within x. dayes afte that ony such writt or writtes shalbe delyvered within the saide franchises of this cite othre without to ony manere of parson or parsons duelling or abiding within the same, will not execute this acte as afore is rehersed, and all othre statutes and actes made of olde and provided for the same, according to the full effecte of them against every parson and parsons transgressing in ony of the said acts and statutes, that then the party greved, against whom or for whos cause ony such writt or writts shalbe so labored may take an action of dett against the said Maire for tyme being before the balifs in Court for the saide x.^sii. without expection or abating of his said action in ony maner of wise. And that the said balifs shal execute the said acts and statutes in all and singler in them containeth against such transgressours.

And, morover, the said party greved by ony such writt or writts may sue every such transgressour of an action of dett of xx^{ti}.li., without ony delaies to be gyven to the defendant. And of the same recovery and forfeks the Commynes shall parceve² thone³ moitie and the partye greved the othre half.

clv^{ti}.—[A.D. 1523-4.]

Also, in the said yere and day, att the petition and praier of the Commynes in augmenting and advauncement of the marchant cheapell⁴ of the pittie rode⁵ within the cathedral chirch, whiche of long time have greatly decayed. Therfor, by commene assent it was granted and ordayned from hensforward that of all manere goods and marchandis as shalbe labored, tracted, and adventured by ony of the inhabitants of this cite

¹ or.
⁴ chapel.

² receive.
⁵ rood or representation of the crucifixion.

³ the one.

and suburb oute of the haven and porte of the same, into any where else, that the procurators of the said chapele shall by attorney receive an half peny of every *li*.¹ there made, and the same be benploied by the said attorney and returned to the said procurators. Which yerly shal gyve true and duhe accompt to the balives of the yere before elected to the audicion therof. The which procurators and ther successores shall kepe and mantaigne the most vertuest and devoutest preste that for v. *li*. of wages may be hadde and retaigneth in the said cheapell dayly to pray (admytted by the Maire and balives) for the estate of all the inhabitants, and in especial for marchants tractants, and all cristen soules.²

clviii.—[A.D. 1524-5.]

In the xvith yere of the forsaid regne of King Henry the VIIIth., Nicholas Madan being Maire, Nicholas Strong and John Lumbard, balives in the Dernhundred day, by commene assent it was ordayned and enacted that from hensforward none inhabitant of the said citie and franchises havyng any cause of personall action, one against that othre, shall gyve or sill³ his bond or cause of action to any foraine, duelling one of the citie and franchises, wherby the saide foraine moght vex or sue any of the saide inhabitants by the Kings writts othre the King's commandment oute of the said citie upon all paynes named and lymtyed in the cliiii^{ti} acte⁴ forsaide, made against the laboring of writts, Nicholas Wise then beyng Maire, in the xv. yere of the saide regne [A.D. 1523-4].

clviii.—[A.D. 1524-5.]

Also, it was enacted the said day and yere by commene assent that fol. 67. from hensforward every freman that hath and shall have cause to sue in court for any prismony may entre his playnt upon the arrest, and that the defendand shall make nor have noo manere of delays in courte, butt unto the first jurye, and noo longer.”⁵

VI.

SECOND BOOK OF WATERFORD “ORDINANCES.”

“LIBER SECUNDUS: Here begynneth the second boke, whiche doth containe notable precedentes, used and accustomed for laudable ordenances. fol. 107. With others righte many digne to be recorded and kept in memorye.

The firste.—[A.D. 1407-8.]

Memorandum: That, in the nynt h yere of the regne of King Henry the Fourth, John Lumbarde being Maire of this citie, Richart Barry and Robert Legro, balives, the voide lande somtyme belonging to Richart Bristol and John Guyere, for the nonpaying of the Kings chief rent called Longable, during time of noo mynde, was seased and forfected to the commynes by the said Maire and balives, which land lieth in leynt h from the Bothstrete in the north unto the lande of Saint John of Jerusalem in the south, and in brede from William Symcok [h]is land, in the este, unto Maurice Wadding [h]is land, in the weste, within the citie, and in the paroke of Saynte Olave.

¹ One pound.

² In the MS. this act is struck out, and the following is written in the margin: “In the dernhunderth day, by commene assent of Mayor, ballifs, and citisanns then assembled, this statut and act was dissolvit, extinguished, and to be of no forse for ever.”

³ sell.

⁴ See p. 328.

⁵ This entry is followed by acts extending from the eighteenth to the thirty-fourth year of Henry VIII., 1526-7.—1542-3.—MS. ff. 7a to 70b.

The second.—[A.D. 1429-30.]

Memorandum: That, in the eight yere of the regne of King Henry the Sixte, one William Laules was brought to answere before Maire and balives by reason that, contrary to the statutes of this citie, he didd recett¹ a preste and his concubyne using fornicacion in his house, notwithstanding the proclamation that if ony, within or without the citie, wold recett ony prestes with ther concubins, and therof shold be convicted, he shall lose all his goods, and his body to remayne in prison a tuelmoneth and a day, and then to make his fyne.

Then, herupon the said William putt him to grace, whiche was fered and taxed att v. marks, of which was paid xiiii. quarters of salt at iii. s. the quarter.

The iii^{de}.—[A.D. 1438-9.]

fol. 107b.

Memorandum: That, in the xviith yere of the regne of King Henry the Sixte, William Lyncoll being Maire, James Rockell and Foucke Quemerford, balives, John Franches, citsaine of this citie, didd knolech² hym to ow to William Lyncoll, citsaine also of the said citie, x. li. of money currant, to be paid att the pleasure of the said William, undre and upon thes condicions:

That if the said John forfecte or ony trespasse doo againste the said William, othre ony citsaine bering office of Mairaltie or of balifs, and therein to be convicted, he shall pay the said x. li. without ony grace.

The iiiiith.—[A.D. 1441-2.]

Memorandum: That in the xx^{ti} yere of King Henry the Sixt, William Lyncoll beyng Maire, John Corr and Nicolas Morgan, balives, James Rockell forfected the franchises of the citie, by cause it was founde that he concealid Nicolas Maryner, the Florentyn,³ [h]is goodes, against his oth. And the next yere afre he was receved to grace and taxid att xxi. s. viii. d. upon this condicions, that, if ever he shalbe founde giltie in such causes, he shall forfeit x. li. without ony grace.

The vth.—[A.D. 1451-2.]

Memorandum: That, in the xxx^{ti} yere of King Henrye the Sixt, John Corr being Maire, John May and Thomas Yong, balives, John May forsaide, for certaine contempts and crymes that he have done agaynste the Maire and commynes, that is to say, the brecking of the Maire [h]is saufconducte, and also that he wold not obey the said Maire [h]is commandment when he was chearged to discharge a man that he toke upon the Maire [h]is suertie, and also for the meanashing done in the Maire [h]is presennce, that he wolde kyll and take certain men, if the Maire wolde gyve them suertie, for which contempts the saide John May hath forfected his franchises by awarde of the counsaile, and, if ever he shall aske it again, he to pay x. li. without ony grace.

The vith.—[A.D. 1438.]

Memorandum: That in the saide yere the xvi. day of August, one John Brian, of Rosse, bought a caravell⁴ laden with wyne, att the Passage, againste the libertie of the citie, for the which he was arrested and, by awarde of iii. of the consaile, he was sworne on a boke that he should never herafre bye noo maner of marchandis within the franchises of this citie, exept fresh fish, without licennce of Maire and balives,

¹ receive.² acknowledge.³ Florentine.⁴ small ship.

and if he do the contrary hereof he byade himself to pay to Maire and commynes x. *li.* of mony.

The viith.—[A.D. 1461.]

Memorandum: That, the xvi. day of Decembre, the first yere of the regne of King Edward the fourth, it was fownde by all the consaile of the citie that Thomas Nele, citsain of this citie, rebuked and myssaide John May, Maire, sitting as the Kings Judge in court in presennc of the worthiest of the said consaile, saying that he said not sothe, for which rebuke the said consaile awarded that the Mayre oughte to have the benyfet of the statute, and therefore he was to the Maire condempned in x. *li.* for the which he was commytted to wardé and dismytted out of the said consaile for ever.

The viiith.—[A.D. 1448-9.]

Memorandum: That, in the xxviith yere of King Henry the Sixt, it was found by examination of divers negbours of this citie, had and taken before the consaile, how John May made afray againste Fouck Quemerford, being Maire, in whos presennc he drew a dagger and wounded a monk, which was on the Maire [h]is assurannc, for which causes and crymes the said John lost his fredome and was discharged of the court.

The ixth.—[A.D. 1448-9.]

Also, it was founde that the said John May wolde not obey the Maire [h]is commandment as Justice of the Peace, butt, drawing a swerde, made afray, for which he was adjudged to prison for a tuelmoneth and a daye.

The tenth.—[A.D. 1448-9.]

Also, it was founde that the said John made assault to Thomas Barbour, Serjant, and him bett and evill entreated in the Maire [h]is presence, in contempt of the King, for the which he was adjudged to make a fyne of v. *li.*

The xith.—[A.D. 1448-9.]

Also, it was founde that the saide John didde shed the saide Maire h[is] blodde, and, therefore, he was adjudged by the saide counsaile that he shall delyver to the forsaid Maire an c. *li.* else to lose his right hande.

The xiith.—[A.D. 1464-5.]

Memorandum: That in the fift yere of King Edward the Fourth, William Lynceoll being Maire of this citie, John Morgan affermed an action of covenant in court agaynst John Ofons, mariner, in which action John May became pledge and suretie. Then aftre in defaults made in court by the said John Ofons of none apparence, it was awarded that the said John May as pledge sholde aunswere to the action, according to the lawes and custumes of this citie. fol. 108b.

Processe therupon contynued unto such tyme that the said John Morgan hadde judgement to recover his domages in the said action taxed att xxvi^d. s. viii. *d.* Whereupon execucion was awarded, and the saide John May attached, which disobeied, brecking the arrest.

Then the balif hadde him arrested, and he said that he knew him not as balif, and wold not obey his arrest, without the Maire wolde commyth him to warde, and there he lied and rebuked the balif, to the great contempt of the King, and a precedent to destroy the goode rule and lawes of this citie, if it were not reformed.

MUNICIPAL
ARCHIVES OF
WATERFORD.

Therefore, the premysses considered, by assent of the [w]hole consaile it was ordayned and adjudged the said John May to be dismytted¹ of his libertie and franchises for ever term of his lif.

The xiiith.—[A.D. 1464-5.]

Also, in the said yere, the viith day of Marc[he], by assent of the hole consaile, the said John May was putt to warde for his great offences, and where of late he was condempned in x. *li.*, as forsaide, John Corr being Maire, and nowe also is condempned in v. *li.* by an ordenance made by commene assent against all tho[se] that bryngith ony writts.

And the said John, contrary to the same, broght a writt of corpus cum causa, the vi. day of Marc[h]e, and a writt of sicut alias, the viith day of Marc[h]e, for which offences the said John was commytted to warde and there to abide till the said sommes be payed.

Also, the saide consaile concluded that all maner of costs nedfull to be spende againste the said John, in all suyts that is or shalbe done, shal be spende of the commyne goode, and that consaile and commynes shall stand and defend att all tymes thofficers for tyme beyng.

The xiiith.—[A.D. 1464-5.]

fol. 109.

Also, in the xx^{ti} day of Marc[h]e, att the speciall desyre of certaine worthie men of the consaile, by prayer of the said John May, beyng² xiii. dayes in warde for the offences aforwritten, knouleged³ in open audience him to be giltye in the same, was receved to grace, unto which he submytted hym, and loul⁴ prayed for grace.

Then Maire and consaile, seing his humylite, receved him to grace, which was then fered in this manere:

That, if ever hereafter the said John wolde offend in ony maner of wise, the ordenances, usages, and lawes of this citie, or wolde disobey the commandment of the officers for tyme beyng, that then he sholde fall in the payne of xx^{ti} *li.* to be payed without contradiction of the said John [h]is goodes and catell⁵ to Maire and constables of the staple.

The xvth.—[A.D. 1464-5.]

Also, the xxviii^{ti} day of Marc[h]e, the said recognisance of xx. *li.* was openly redde unto the said John May, whiche then saide that he wolde not be bounde to the Maire and constables of the staple, nor to none othre, in maner forsaide, ne othrewise.

And in this Maire and consaile considering the untriue⁶ promise and demeanour of the said John, by ther [w]hole assent awarded him to pay xv. *li.*, for the which he was in ward, and to be dismissed⁷ from the libertie for ever.

And if ony pray ever hereaftre for him, to bring him to the same libertie agayne, he that so shall doo shall forfect xx. *s.*, tociens quociens, to the commynes.

Also, thei awarded him to be dismissed for ever of the dryncking in Lenten tyme.

And who so ever of the counsaile will not att all tymes stand and defend all thes wardes and ordenances forsaide, shall forfect x. *li.* to the commynes.

The xvith.” 8 * * * *

¹, ⁷, excluded.

² being.

³ acknowledged.

⁴ humbly.

⁵ chattels.

⁶ untrue.

⁸ The remainder of the leaf is blank in the MS.

VII.

MUNICIPAL
ARCHIVES OF
WATERFORD.

ANCIENT CUSTOMS IN THE CITY OF WATERFORD.

“Certeayne of the Auncient Customes used and contynued within the fol. 110.
citie of Waterford, the liberties, limites, suburbs, and franchises of the
same, tyme out of mynde, and collected by the verdit of divers of the
moste auncient and discrete Aldermen and inhabitantes of the said
citie, being sworne for that purpose, and afterward approved, ratified,
and confirmed by all the citizens of the said citie in their common
assemblie at Michaelmas, 1574, holden before the Woorshipfull
Mr. James Walsh, Maior, and Patricke Quemerford and Robert Walsh,
Sheriffes, as the very auncient and old contynued customes within the
same from the beginning.

1.—First: That the Maior and balives shall, during the yeare of their
office, contynually remayne within the citie and liberties of the same
without departing from their said charge, unlesse the counsaill of the
said citie do license them or anny of them to departe, having asuffici-
ent deputie or deputies, which depute or deputies they have used, tyme
out of mynde, to make as before.

The consideration of this custome is that if the officers might departe
without license, and leave no deputie, then the citie shoulde lacke
governement, and justice should be suspended, and that often the officers
are especially commannded by the governor and other officers, somtymes
for the citie cause, and somtymes for their privat cause, to appeare before
them, which they must obey. And therefore they have used to make
deputies, tyme out of mynde, which deputies, also, tyme out of mynde,
have had the like authoritie as the said officers.

2.—Item: That ples holden before one of the three officers in anny of
the courtes of the said citie, by the consent of the rest of the stile or
title of the courte making mention of the plea to be holden before all
three were alwayes accepted and holden to be of as great effecte as if all
the officers were present, for somtymes two of the said courtes are and
must be holden at one tyme, at which tyme all the officers may not be
present in both, and somtymes the bailif receavour, and the Maior, at
othre tymes, must be absent and about the citie matters elswhear.

3.—Item: That all fermes did enswe the nature of fee simple landes
within the citie, suburbs, and liberties of the same, and that wives had
in their thirde as wife to the testatour or intestat an estate for life onely
in the said third, if the yeares contynued so long, and that all wives
were alwaies secluded and barred to demannde any intrest in their said
thirde of the said fermes or leases other then during their livis or to
allien any longer.

The consideration is, that a great parte of the citie land belongeth to
the Church, and to inheritours not dwelling within the same, by reason
whereof the inhabitantes cannot purchase the inheritannce; and, never-
theless, the moste parte of their wealth is layde oute for leases for
yeares, and it were against the meaning of the lawe that women shoulde
have so excessive a preferment, to the hinderannce of the children,
where the custome is much for the contynuance of families, which the
churchmen, having inheritannces within the Liberties of the said citie,
do use to contynue and to preferre the heire of the first lessee.

4.—Item: That thinhabitantes, being not citizens, have, tyme out
of mynde, used to passe in juries of triall upon a man [h]is life, albeit
they lacke freholde.

The consideration is, for that there are not freholders sufficient to heare the peremptorie and othre challendges, within the citie or liberties, and them [*sic*] for lacke of sufficient triall that point of justice shoulde faile within the citie.

5.—Also, causes and pleas betwixt thinhabitannts have bene tried alwayes, tyme out of mynde, without respecte of freeholde or goodes, whether thaction surmounted xl. marckes, or whether the same touched the realtie or not. Because the citie consisteth, and alwaies did consist, of trafficke and marchannt trade. And if causes were delayde and that merchanntes should not have triall with an expedition, for contynuing of theire trade and hastening of their viadges, contractes betwixt merchauntes should decay, whereby merchandize should be impaired, and so consequently dangger of utter decay of the state and the inhabitants within the citie.

6.—Also, that landlordes, or any that might distrayne for rent, have used to distrayne the goodes of him owing the rent onely, and not the goodes of any other, saving when goodes were in possession of the tenante as pledge, or did owe him anny somme of mony; in which case, the distrayning of them for that somme of mony due to the tenante was lawfull and accepted.

The consideracion wherefore the goodes of a strannger were free and not subjecte to the distresse is, for that such as be tenannts be either artificers or merchanntes, and artificers have, for the moste parte, the goodes of others, and merchannts somtymes lyve by other mens goodes, and somtymes have solde the moste parte of their goodes to others, and for the maintenanne of artificers and banishing of ydelnes, and also for the increase of buying and selling, the said custome have bene contynued as before. And, also, that anny deteynning a distresse contrary to this custome may be comitted before he delyver the same.

fol. 111.

7.—We fynd yt a customme that the Maior hath but an Aldermans shift¹ saving onely of every shippe of wyne of common bieing² he hath one but or pipe or two hogsetts choice and no man els have had the same but he alone.

8.—We fynde it of auncient custome that every widowe shoulde have like benefitt of her fredome, during her viduitie and honest behaviour, as she enjoyed by her husbands tyme. Excepted that Aldermen's widowes shall have but a balives shift during their viduite and honest behaviour.

9.—Also, that the goodes of any supposed to be debitour to any inhabitante may be arrested in absence of the debitour, and suite to be entred against the owener, and the courte to procede in processe to judgement and execution of the said goodes as well as they might if the owener had appeared, for otherwise debitours might deale by attorney, and so defraude the creditours, which may not for their traficke sake attend suite out of the said citie.

Also, the said libertie is grannted by King John to thinhabitanntes which may lawfully be grannted, and sithens and before hath bene contynued.

10.—We fynde by auncient customme that any man having accion shall first arrest the partie whom he myndeth to sue, and when the Sergeant hath taken surtie of him to aunswer to the processe, that then the partie plaintiff shall entre the accion in courte against him.

¹ Share or division.

² buying.

11.—We fynde by auncient custome that the partie defendannte shall have three dayes grannted to him to his annswer, and that no judgement for defaulte be pronounced against him before the third defaulte.

12.—We fynde it a custome that every dweller of this citie shall, for himself and all his housholde folke, have passadge in the ferrie boat, paying every household iiii. *d.* by the yeare, in consideration of the same.

13.—Also, that fowre men shall passe in an accion of accompte, and the defendannt being founde gilty or comptable, the plaintiff shall not be driven to have his accion of debt, but shall have execution of the somme founde by the fowre men aforesaid.

14.—Also, if one be attached to any the courtes, and the plaintiff do not enter the next courte day, the arrest is voyde, unlesse both parties assent that the same upon hoape of agrement shall stand in force, having also the consent of the court.

15.—Also, that when surties be taken of any man arrested, that the plaintiff, if he recover, may, at his election, sue execution against the partie arrested, or the surties, or against all.

16.—Also, that, in absence or for lacke of a Sergeannt, every citizen may and ought to arrest and bring before thofficer any that is demanded or challengged for debt or any other cause.

17.—Also, that anny of the Sergeants may arrest anny challengged in the Staple-court, and bring him to the Marshall, and so returning him and his arrest to the said Marshall, the arrest is as sufficient as if it were done by the said Marshall, and so of other officers and other courtes.

18.—Also, that the defendannt in every courte (the Pipoulder Court fol. 111b. excepted) yf he sweare that he will send or go to Dublin for counsel, ought to have fourteen dayes for that counsell, that is called a day of emparlance, yf his accion amount to x. *li.*, or over, otherwise to sticke to thorder of the courte.

19.—Also, where the defendannt is to be condemned upon a nihill dicit, he shall have three dayes to annswere, before he be so condemned.

20.—Also, that the citie, by auncient usage have a Pipoulder Courte, commonly called the Courte of Delyverance, for the expedition of strangers and for their personall demannde, in which courte the Maior and Balives be Judges, and that if a stranger be sued in any other courte, he may pray that the cause be removed to the said courte, called the Pipoulder Courte, which may and must be so done at the said strannndgers charges, and nothing altered but the title or stile of the courte.

21.—Also, that by like usage in the said citie there is a Court Barron to be kept yearly, beginning at twelve of the clocke the Saturday before Ascension day, for matters under forty shillings Irish, in which courte the two bailives be Judges.

22.—Also, that every childe inhabitant within this citie and suburbes, albeit he be under thage of xxi. yeares, and by consent of his father or next frend, bynding himself apprentice to any, shalbe as well bounde to serve his terme as if he were xxi. yeares at the tyme of such bynding.

23.—Also, that fowre Aldermen shalbe elected surveighours yearly in the Assenbly after Michaelmas, which have authoritie to determine all mischannces and variannces of mearing betwixt thinhabitannts, of which surveighours the Maior may remove at his discretion for that tyme any that is father, brother, or uncle to any of the parties in variance, in respect that the said surveighors be not sworne that custome was commenced for thincrease of thadministration of justice and discharging of thofficers of some parte of their charge, because

MUNICIPAL
ARCHIVES OF
WATERFORD.

thei be judges in divers courtes and have otherwise an over great charge, and also for ease of thinhabitants.

24.—Also, that, upon the committing of any affray, any of thofficers, videlicet, the Maior or bailives, for the better preservation of the peace, may committ both the parties before examination of the cause, and if any in such a case will submitte himself, the saide officers may assesse his fyne, and if he submitte him not then putting a sufficient pledge to the bailive receavour's handes, thaffray shalbe tried by order of lawe.

25.—Also, that tenannte at will, (dwelling not upon the comon land,) ought to be warned half a yere before the tyme appointed for him to departe.

26.—That all”¹ * * *

VIII.

ACT RELATIVE TO ATTIRE AT WATERFORD, A.D. 1599.

fol. 147.

“Where it is considered by the Maior, Sheriffs, and cittizens of this citie how greatly the city is impoverished and dayly like to decay, that not onely the ablest and wealthiest persons do weare in their attyre no partie or parcell of any thinge wrought within this citie or realme, but also their men-servants, maid servants, and nurses in like manner do weare no other then their maisters, being a chardge intollerable. For remedy whereof and to thend th’ inhabitants of this citie may bee withdrawn from idleness and made to work and content themselves with the clothes wrought and made within this realme, it is enacted and established by the Maior, sheriffs and citizens aforesaid, in their dernhundred, holden in the Gildhall of the said citie, the tenth day of October, anno Domini 1599, that from henceforth no nurse, man-servant, or mayd-servant shall weare in their attyre or garment any furr, frendge, lace, silke, or any wollen or linnen, save such as shalbe wrought within this citie or realme, upon payne of forfeiture of all such garments, and their boddies to be imprisoned, there to remayne untill they pay six shillings eight pence as a fine towards the reparacion of the walls of this citie, as often as they or any of them shall offend in that case.”

IX.

THE “LORDSHIP OF COGG,” AT WATERFORD, A.D. 1601.

fol. 161b.

“In respect of divers practises used by such as are to serve the Lordshipp of Cogg,² and for avoyding the contencions that might growe among them upon that occasion, it is nowe by publick consent of the Maior, Sheriff, and citizens of this, the countie of the citie of Waterford, agreed, enacted and condiscended, that from henceforth the election of the Lord of Cogg shall contynue and passe in this manner, that is to saye, the Maior for the tyme being, the day of the said election, upon such duetie and oath as he hath sworne to the Corporacion, and taking assistance of the Lord of Cogg for the tyme being, or his deputie in his absence, to be sworne to joyne with him, who, together, without favour, love, meede, reward, or any respect of kindred or otherwise whatsoever, and according their best knowledges and conscience shall choose fower of the discreetest and ablest freemen, one of them to be elected Lord for

¹ Fol. 111b. ends here; the leaf which contained the matter in continuation to it is missing.

² See ante, p. 327, act cxlix., A.D. 1518–19.

the yeere following, according the old accustomed manner and upon whose lott the same shall fall. If the partie after so chosen shall refuse the lordshipp that then never after he shall exercise or have any other office within the cite or franchises or be brought to the councell of the same. And also he shall pay twenty pounds sterling for a fyne to be forthwith levied by the sheriff receiver for the tyme being of his goods and chattells, the moyetie wherof to be to the Corporacion and the other moyetie to the Lord of Cogg, that shalbe made and elected."

X.

INCORPORATION OF WATERFORD GUILD, 1626.

"To all Christian people to whom these presents shall come, the Maior, Sherifes, and cittizens of the county of the citty of Waterford send greeting in Our Lord God Everlasting: fol. 366.

Whereas Kinge John, of famous memory, by his letters patents dated at Marlebridge, the third day of June, in the seventh yeere of his raigne [A.D. 1205], amongst other priviledges, graunted to the cittizens of Waterford that they should have and enjoy their reasonable yeeldes, [guilds] and di tinguish themselves into severall misteries and fraternities, as the burgesses of Bristoll have used; which graunt of charter, according the auncient usadge, prescription, and custome, tyme out of minde, our moste royal Kinge, Charles, by his letters patentes, dated the six and twentieth day of May, in the second yeere of his Highnes raigne [A.D. 1626], and likewise all his predecessors and progenitors, Kings of England, by their severall letters patents have confirmed.

Wee, the said Maior, Sheriffes, and cittizens, in our publick Deer[n]e hundred, holden after the feast of St. Michell the Archangell, by our common assent and consent, for the universall good and behoofe of the tradesmen, dwelling within the said corporation, and for the generall government and civility of the common wealth, which may not subsist without artificers and manufacturers, have given, graunted, and confirmed, and, for us and our successors, doe give, graunt, and confirme (quantum in nobis est) to the taylors, saddlers, hattmakers, haberdashers, hosierys, broduers, and buttonmakers, dwelling and residing within the citty of Waterford aforesaid, that they for ever hereafter shall be one body politticke and one yeelde in name and substance, and, really incorporated, consisting of one maister, two wardens, and of the society, yeelde, and fraternity of taylors, saddlers, hattmakers, haberdashers, hosierys, broduers, and buttonmakers, and that they shall be for ever knownen, esteemed and reputed by that name, and by that name shall have perpetuall succession, within the libertyes, precinctes, franchises, and suburbs of the said citty, and that one of the said yeeld or fraternity shall be yearly chosen, ordained and elected by the said yeelde or the maior part of them to be maister of the society aforesaid for one whole yeere; and that alsoe two idoneows and decent persons shall be chosen and elected wardens of the said yeelde for one whole yeere, and that the said election of maister and wardens for ever hereafter in the taylors' hall or other convenient place within the said citty shall be yeerely upon the feast day of St. John Baptist, and from thence forth shall take upon them the regiment, order, and disposition of the saide yeelde, and before the said maister and wardens shall take upon them the exercise of their said offices, shall make and take their corporall oathes before the Maior of the said citty of Waterford, for the tyme being, to discharge, exercise, performe, and accomplish all and fol. 37.

MUNICIPAL
ARCHIVES OF
WATERFORD.

singular acts and thinges apertayning to their severall offices, to the uttermost of their power, discrestion and understanding.

“ And, for the better execution of the premisses, wee, the said Maior, Sherifes, and citizens have made, ordayned, constituted, and appointed, and by these presents doe make, ordayne, constitute and appoint Donogho O’Fyne, tayler, maister of the said yeeld, society and fraternity, and Richard O’Donogho and Peeter Callagane, wardens of the said society, to continue in their severall officis for one whole yeere, if for some reasonable cause they or any of them be not removed, and for misgoverement or other apparant defect, wee do allowe that they may be removeable and deposed by the greater number of the said yeelde, and others chosen in his or their place and places, to supply the residue of the said yeere; and, therefore, for prudense and pollicy of civill government wee have given and graunted to the said maister, wardenes, and yeeld, and their successours, that for ever hereafter they may assemble and congregate together, and make wholesome and resonable lawes and constitutions not repugnant to the lawes and statutes of this kingdome and common wealth, for the better government of the said corporacion and yeelde, and that they may impose fynes and amerciaments upon any person or persons of the said yeelde, and collect, levie, and convert the same to their common and publicke uses, soe that the said bylawes and constitutions be ratified, allowed, and confirmed by the Maior, Shereifes, and cittizens in their yeelde hall of the said citty before any such fynes and amerciaments be levied or collected, and that any man serving in the said citty of Waterford seaven yeeres a prentise to any of the company of taylors may, after that tyme be admitted free, the partie or parties, soe admitted to be free of the said company of taylors, shall, for his said freedome, paye unto the maister for the tyme being, to the use of the company of taylors twentie shillings sterling, and unto the Maior and Sherrifes of the said citty of Waterford, for the tyme being, to the use of the corporacion, two shillings and six pence sterling. And that if any man hereafter of the company of taylors doe or shall departe his shopp or standing, to worke in any man’s house in Waterford, without itt be to the house of an Alderman, and that in tyme of extremety, that then itt may be lawfull to and for the said maister of the company of taylors for the tyme being to committ the said partie or parties to the citty goale there to remayne till he satisfie and paye to the Maior and Shereifes for the tyme being, to the use of the corporation, six shillings and eight pence sterling, and unto the maister and wardens for the tyme being, to the use of the company of taylors, six shillings and eight pence sterling.

And that if any man of the company of taylors doe or shall, att any tyme hereafter, upon any occasion, upbraide, scandalize, or speake un-beseemingly to the maister and wardens for the tyme being, or any other maister that served hertofore, the partie or parties so offending shall forfeite and pay to the Maior and Sherife for the tyme being, to the use of the Corporation six shillings and eight pence sterling, and to the maister and wardeins for the tyme being to the use of the company of taylors vi. s. and 8d., sterling, and that the maister of the taylors for the tyme being and all the ensuing maisters and company of taylors shall and may keepe and detayne for their wadges all or any worke or workes don by them for the inhabitants of the city of Waterford untill they be satisfied and paid for their worke or workes soe don by them or any of them. In consideration whereof, if the maister, wardeins, and compaany of taylors, or any of them, for the tyme being, doe or shall att any tyme hereafter worke out a cloacke cloth, a doblett, a jerken, hoase, or stockens for the inhabitants of the citty of Waterford, or any of them,

with any faulte or faultes to be founde by the owners of the clothes, that then itt may be lawfull to and for the maister of the taylors for the tyme being to compell the said partie or parties soe offending to make due and full satisfaction to the owners for the trespasses by them committed, and, moreover, the partie or parties so offending shall forfeite and pay to the Maior and Sherifes for the tyme being, to the use of the corporation vi. s. and 8*d.* sterling; and to the maister of the taylors for the tyme being, to the use of the company of taylors, vi. s. and 8*d.*

“And that noe body hereafter being a taylor shall or may worke in Passadge, nor in any other parte of the libertyes of the citty aforesaide, but that first he shall repayre to the maister of the company of taylors for the tyme being in Waterford, paying to the saide maister, to the use of the company of taylors, twentie shillings sterling; and to the Maior and Sherifes for the tyme being, to the use of the Corporation, two shillings and six pence sterling.

“And if any worke contrary to this, that itt shall and may be lawfull to and for the maister and wardeins for the tyme being to enter to any house within the liberties aforesaid, and finding any taylor working in any of those houses, being not free nor lycenced them to apprehend and bringe before the Maior of the citty of Waterford to be committed unto the city goale untill the partie soe offending paye unto the said Maior for the tyme being to the use of the Corporation, six shillings and six pence sterling, and to the maisters of the taylors for the tyme being, to the use of the company of taylors vi.s. and 8*d.* sterling.

“In witness whereof, the said Maior, Sherifes, and cittizens have hereunto fixed [authorized] the common seale of the said citty to be fixed hereunto, the thirteenth day of October, in the yeere of Our Lord God a thousand six hundred twenty and six, and in the second yeere of the raigne of our soveraigne Lorde Kinge Charles, of England, Scotland, Fraunce and Ireland, etc.

“Vera copia, per Johannem Lee, civitatis Waterford Towneclarke, examinata.”

ARCHIVES OF JESUITS IN IRELAND.

BY JOHN T. GILBERT.

The letters and papers of which a catalogue is subjoined were preserved at Stonyhurst College till transferred in 1866 to the Jesuits in Ireland. The letters are in Latin, with the exception of three in Italian and one in French.

LETTERS.

Dates.	Places.	Names of Writers.	Addressed to.
1576, Jan. 31	St. Malo - -	Jacobus Mauricii Desmoniae de Geraldinis. ¹	[General of Society of Jesus, Rome.]
1600, Nov. 3	[Rome] - -	Robert, Cardinal Bellarmin. ²	[Idem.]
1605, Feb. 28	"E loco mansionis nostrae in Hibernia."	David [Kearney], Archbishop of Cashel. ³	Claudio Aquaviva, General of S. J., Rome.
1605, Oct. 4	—	Idem. ⁴ - - -	[Idem.]
1607, May 1	Dublin - -	Episcopus unus, etc.	P. H. ⁵
1607, Sept. 2	—	David [Kearney], Archbishop of Cashel. ⁶	Claudio Aquaviva, General of S. J., Rome.
1616, July 15	"E loco mansionis nostrae in provincia."	Idem. ⁷ - - -	Muzio Vitelleschi, General of S. J., Rome.
1617, May 26	"Ex Hibernia."	„ ⁸ - - -	Idem.
1618, Sept. 30	"E loco mansionis nostrae ex provincia Cassellensi."	„ ⁹ - - -	Idem.
1623, March 8	Dublin ¹⁰ - -	—	—
1623, Nov. 23	"In loco mansionis nostrae."	Thomas [Dease], Bishop of Meath. ¹¹	Muzio Vitelleschi, General of S. J., Rome.
1624, March 31	—	David [Rothe], Bishop of Ossory. ¹²	Idem.

¹ James FitzMaurice, a notice of whom will be found in "Facsimiles of National Manuscripts Ireland." London: 1882. Part iv. l., p. xxxvi. The above letter is printed in "Ibernia Ignatiana: A Patre Edmundo Hogan, S.J." Dublin: 1880, p. 21.

² Appendix I. and "Ibernia Ignatiana," p. 69.

³ "Ibernia Ignatiana," pp. 160, 169.

⁴ P[ater] H[enricus]—Henry FitzSimon, S.J. This letter ends as follows: "Subscripterunt Episcopus unus; Vicarius Generalis unus; Eques Auratus unus; sacerdotes sex." It was printed in "Historia Catholicae Iberniae Compendium." Dublin: 1850, p. 271, and in "Ibernia Ignatiana," p. 212.

⁵ "Ibernia Ignatiana," p. 220.

⁶ Appendix II.

⁷ Appendix III.

⁸ Appendix IV.

⁹ Appendix V.

Dates.	Places.	Names of Writers.	Addressed to.
1629, July 20	- "E loco mansionis nostræ."	Thomas [Walsh], Archbishop of Cashel. ¹	[General of S. J., Rome.]
1630, June 20	- Venice - -	Bonaventura Magennis, Bishop of Down and Connor. ²	[Idem.]
1636, Aug. 24	- "Ex Regiis Castris."	[Al]bertus O'Donnell, Earl of Tyrconnell. ³	Idem.
1646, Oct. 22	- Limerick - -	Earl of Glamorgan ⁴	Vincenzio Carafa, General of S. J., Rome.
1648-9, Jan. 20	- Kilkenny - -	Roman Catholic Prelates. ⁵	M. Verdier.
1648-9, Jan.	- Ib. - - -	Members of Supreme Council of Irish Confederation. ⁶	Idem.
1654, Nov. 17	- Cologne - -	Peter Talbot ⁷	[Goswin Nickel, General of S. J., Rome.]
1659, May 20	- London - -	Anthony Geoghegan, Bishop of Meath. ⁸	Idem.
1660, Aug. 26	- "Ex loco nostri refugii in Hibernia."	Idem. ⁹ - -	—
1672, Nov. 22	- Dublin - -	Oliver [Plunket], Archbishop of	Padre Oliva, [General of S. J., Rome.]
1673, Jan. 30	- Armagh - -	Idem. ¹¹ - -	Idem.
1673, Dec. 29	- Paris - -	Peter [Talbot], Archbishop of Dublin. ^{10, 12}	—
1698, Sept. 15	- St. Germain - en-Laië."	James II. ³ -	Général de la Compagnie de Jésus.

¹ Appendix VI.³ Appendix VIII.⁵ Appendix X.⁷ Appendix XII.^{10, 11} Appendix XIV.¹³ Appendix XVI.² Appendix VII.⁴ Appendix IX.⁶ Appendix XI.^{8, 9} Appendix XIII.¹² Appendix XV.

"Articuli quidam, cum supplicatione, Suæ Sanctitati, nomine Iber-
norum exulum, proponendi:" Address to the Pope from Irish Catholics
in exile.—Undated.—[A.D. 1595-8].¹

"Summarie relationes:" Accounts of affairs in Ireland, from the
landing of the Spaniards in 1601, to the end of May [1602].²

Statement on Irish affairs addressed, in 1602, to the Papal Nuncio
for Ireland, and to be communicated to the Superiors of Jesuit Colleges
at Genoa, Bologna, Venice, and Padua. Endorsed: "Patris Guglielmi
Bathei relationes de rebus Hibernicis." Commencing with account
headed as follows: "Reverendissimo et Admodum Religioso Patri, Patri
Lodovico Mansonio, Suæ Sanctitatis pro Hibernia Nuncio, de rebus
Hibernicis post pactum initum cum Anglis mense Martii [1602], relatio
Domini Hugonis Mostian, Capitanei."³

"Episcopion Doron:" Addressed to James I., King of England, by
Peter Lombard, Roman Catholic Primate of Ireland: "Ad Jacobvm
Primvm, Magnæ Britanniae, Franciæ et Hiberniæ Regem Maximvm,
ΕΠΙΣΚΟΠΙΟΝ ΔΩΡΟΝ: Α Petro Lombardo, Archiepiscopo Ardmacano,
Primate Regni Hiberniæ, destinatum ac dicatum pro Religione et
Patria." Incomplete.—APPENDIX 1.

Regulations of Irish College at Salamanca, 1604.—APPENDIX 2.

Fabricated Bull, dated, Rome, 7 December [1605], with observations
in Latin by James White, Vicar Apostolic.—APPENDIX 3.

"Informatio ex Hibernia:" Account of affairs in Ireland, A.D. 1615,
in relation to Eugenius MacMahon, or Matthews, Archbishop of Dublin,
and transmitted to Archbishop of Armagh, at Rome.—APPENDIX 4.

Declaration by Irish Roman Catholic Prelates, Kilkenny, 27 April,
1648, against treaty for cessation of hostilities with Lord Inchiquin.—
APPENDIX 5.

"Exemplar censuræ latæ:" Excommunication by Rinuccini, Nuncio
in Ireland, and Bishops of Clogher, Ross, Clonmacnoise, and Down,
against adherents to treaty for cessation of hostilities with Lord Inchi-
quin.—Kilmensie, 26 May, 1648.⁴

List of Irish Roman Catholic Prelates.—Undated.—[Circa A.D.
1654].—APPENDIX 6.

Address to Innocent X., the Cardinals, Prelates and Roman Catholic
clergy, from Irish in exile on account of their religion.—Undated.—
[Circa, A.D. 1654].—APPENDIX 7.

Declaration of loyalty to Charles II. by congregation of Irish Roman
Catholic Prelates and clergy.—15 June, 1666.

Memoranda in relation to doctrines of Sorbonne, etc.

¹, ², ³ See "Ibernia Ignatiana:" 1880, pp. 35, 83, 85, 234.

⁴ See "Contemporary History of Affairs in Ireland, 1641-52." Dublin, 1879,
vol. i., p. 194.

Six of the letters in this collection have been published in the work entitled "Ibernia Ignatiana," as noted in the preceding catalogue. The others, with that of Cardinal Bellarmin, are given in our Appendix, and the following synopsis indicates briefly the principal matters to which their contents refer. Among the writers were some of the most eminent of the Irish Catholic hierarchy of the seventeenth century, including David Rothe, author of "Analecta Sacra;" Peter Talbot, Archbishop of Dublin, who died in prison in 1680, and Oliver Plunket, Primate of Ireland, executed at London, in 1681. The letter of Edward Earl of Glamorgan, better known by his subsequent title of Marquis of Worcester, is noteworthy for the expression it contains of the writer's friendship for the Jesuits.

I. Cardinal Bellarmin, 1600: Decision of Pope Clement VIII., in compliance with request of the Irish, to send an acceptable member of the Society of Jesus to Ireland, after conference with Peter Lombard, Archbishop of Armagh.—Italian.

II. David Kearney, Archbishop of Cashel: 1.—1616. Arrangement of affairs at Rome and Court of Spain. 2.—1617. Delegation of representative to Rome, in reference to recent occurrences in Ireland. 3.—1617-18. Acknowledgment of letter. Expected arrangement [at Madrid] of affairs on which Father Richard Conway has been long occupied. Increased oppression of Catholics in Ireland. Hope that the Pope may obtain liberty of conscience for Catholics in the three kingdoms, or at least for those in Ireland.

III. Letter on state of Ireland, 1623: Severities against Catholics in Dublin and other parts of Ireland. Exclusion from inheritances, and offices, infliction of fines, imprisonment and pillory for nonconformity with Established Church. Suggestion for intervention of Spanish Ambassador at London with King of England, to procure discontinuance of persecution.

IV. Thomas Dease, Bishop of Meath, 1623: Testimony to excellent conduct of Jesuits in Ireland during recent ecclesiastical differences there, as well as at other times.

V. David Rothe, Bishop of Ossory, 1624: Uncertain condition of Catholics in Ireland. Prospect of amelioration and of arrangement in his diocese for Jesuits.

VI. Thomas Walsh, Archbishop of Cashel, 1620: His return to Ireland. Recent conference with the Superior and others of the Irish mission. Necessity for Agents for Ireland at Rome and Madrid. Proposition to contribute towards their expenses.

VII. Bonaventure Magennis, Bishop of Down and Connor, 1630: His arrival at Venice. Application for reception of two theological students from Ireland.

VIII. O'Donnell, Earl of Tirconnell, 1636: Commendation of Philip Clery, student at the Ludovisian seminary, Rome.

IX. Edward, Earl of Glamorgan, 1646: His friendship for the Jesuits. Recommendation of his brother, Lord John Somerset, about to visit Rome.

X. Letter to M. Verdier, Visitor of the Jesuits in Ireland, 1648-9, on excellent conduct of members of that Society during distracted and disturbed times. Signed by Catholic Archbishop of Tuam and six Bishops.

XI. Letter to M. Verdier from Members of Supreme Council of Irish Confederation, 1648-9, on prudence of the Jesuits in recent controversy in Ireland between the Nuncio Rinuccini and them.

XII. Communication from Peter Talbot, at Cologne, 1654, by express command of Charles II. : Application to the latter from Irish Catholics in Ireland and in exile to address the Pope with a view to effecting some amelioration in their calamitous condition. Request of the King that the General of the Jesuits will submit to the Pope a proposition to contribute or aid in raising funds to enable him to return to England, Scotland, or Ireland, with an army of Irish Catholics, and that the matter should be negotiated through the Nuncio at Cologne. The King promises, on his restoration, to grant freedom of worship as far as possible in his dominions to the Roman Catholics and to remove the laws against them. Should the Pope not co-operate, his Majesty may have to come to terms with the Presbyterian party, which would be fatal to Catholics in England and Ireland. The King's success, with the Pope's aid, would be most beneficial to Catholic interests in Europe. Objections to Crilly, a Cistercian, who states that he acts at London under authority from Rome. The contents of the communication are known only to the King and the writer.

This letter bears no address, but that it was written to Goswin Nickel, General of the Jesuits at Rome, appears by a copy of an answer to it from him, dated 12 December, 1654, extant among the papers of Lord Chancellor Clarendon, in the Bodleian Library.¹ In it, Nickel expresses his anxiety to serve Charles II. and to relieve the Irish Catholics, but states that the proposition could not be entertained as it would bring the agents of the Society in the three kingdoms into the greatest danger, and that the state of the Pope's health obstructs access to him. Nickel suggests that the King should communicate on the subject, in the first instance, with the Nuncio at Cologne, and promises that he will subsequently co-operate so far as practicable.

XIII. Anthony Geoghegan, Bishop of Meath: 1.—1659: Confused state of public affairs in England on the deposal of Richard Cromwell. 2.—1660: Expectations of the Irish from restoration of Charles II. The writer and others of his order in Ireland live in "caverns."

XIV. Oliver Plunket, Archbishop of Armagh. 1.—1672: Commendations of Stephen Rice, and other Jesuits in diocese of Armagh. Success of Catholic schools recently opened at Drogheda. Apprehensions entertained by Talbot, Archbishop of Dublin. Toleration by the Viceroy Berkley and Essex.—Italian. 2.—1673: Satisfactory selection of Stephen Rice, as Superior of mission of Jesuits in Ireland. Need of residence for Irish novices of the Society.—Italian.

XV. Peter Talbot, Archbishop of Dublin,² 1673: Expulsion of Catholic Bishops and ecclesiastics from Ireland. Importance of Jesuits as missionaries there, and want of domicile for them. Charles II. and his brother, James, Duke of York, have given Talbot commendatory letters written by themselves to the King of France.

XVI. James II., 1698: Appointment of Rector for Irish College, Rome.—French.

The letters, in general, bear notes as to the dates at which they were received and in reference to the subjects mentioned in them.

Four of the papers in the collection were, as noticed in the catalogue,

¹ No. 2099 : 1654.

² Talbot was appointed to the see of Dublin in 1669.

printed in "Ibemia Ignatiana." Of the others which are given in our Appendix the following is a short account:—

1. Portion of treatise by Peter Lombard, Catholic Archbishop of Armagh, resident at Rome, 1604: Extracts from preface, addressed to James I., on the sufferings of his mother, Mary, Queen of Scots; the King's descent from ancient monarchs of Ireland; gratification of the Irish at his accession; the author's see at Armagh, the most ancient in his Majesty's dominions, is the mother of all the churches in Ireland and the progenitrix of the propagators of Christianity among the Saxons, Picts, and Scots; reports of the King's toleration to the Irish Catholics, his devoted subjects; advice to him to embrace the Catholic faith; expression of the author's loyalty; and monition as to impartial administration of justice. The subjects to be treated of in the work are stated as follows: Description of Ireland and its natural advantages; foundation of Christianity there by Palladius and Patrick; labors of their successors in religion and learning, when Ireland was styled "*Insula Sanctorum*"; irregularities reformed by Saints Celsus and Malachy, Archbishops of Armagh; transfer of Ireland to English kings; transactions to period of change of religion in England; adhesion of the Irish to the Catholic faith and importance to the King of attaching them to him by allowing the free exercise of that religion.

The title, "*Episcopion Doron*," was apparently adopted from the "*Basilicon Doron*," of James I., first printed in 1599. Much of the material of this work of Lombard would appear to have been analogous to that in his "*Commentarius de regno Hiberniæ, Sanctorum Insula*," written in 1601 and dedicated to Pope Clement V., who died in 1605. Lombard's "*Commentarius*" was printed for the first time at Louvain in 1632, seven years after the author's death, and republished in 1868 by Cardinal Moran, from the original in the Barberini Archives, Rome. The notices of Lombard and his writings, prefixed to the latter edition do not include any reference to the "*Episcopion Doron*."

2. Regulations of College of Irish Jesuits at Salamanca, 1604: Extracts: Qualifications and admission of students between the ages of eighteen and twenty-four; form of oath; daily prayers for Ireland; studies during term of seven years; causes for dismissal.

3. Fabricated Bull, 1605, addressed to all "faithfull Catholics in Ireland," in relation to recent oppressive proclamation. Appended are observations in Latin by James White, Vicar Apostolic, who states that the "bull" is carried about by Judges and officials in Ireland, and has been used a pretext for intolerable persecution of the Catholics there. He impugns the authenticity of the document and conjectures it to have been composed by Calvinists. The "bull" is referred to in a letter to the Earl of Salisbury, on the 29th of March, 1606, from Sir Arthur Chichester, Lord Deputy of Ireland, who observed that he did not believe that it had emanated from Rome.¹

4. Statements on affairs in Ireland, transmitted to Primate of Ireland, at Rome, 1615: Perilous position of Eugene Matthews or MacMahon, Catholic Archbishop of Dublin. Anxiety of the Viceroy and officials for his arrest. Suspicions against him from the connection of himself and his relatives in Ulster with Hugh O'Neill, Earl of Tirone, at whose instance he was appointed to the see of Dublin by Pope Paul V., 1616: Continuous pursuit of Archbishop Matthews; imprisonment of priests and members of religious orders.

¹ State Papers, Ireland, 1606, No. 678, Public Record Office, London.

5. Declaration of Catholic Archbishops and Bishops, under presidency of the Nuncio Rinuccini, against recent cessation of hostilities with O'Brien, Baron of Inchiquin, 1648.

6. List of Irish Catholic prelates in Ireland, England, France, Spain, Germany and Rome, towards the middle of the seventeenth century.

7. Address to Pope Innocent X., Cardinals and Catholic Church from the Irish, circa 1654 : Statement on oppression and projected extirpation of Irish Catholics : deportation to the Bermudas ; "transplantation" to Connacht ; severe enactments under military rule ; pursuit and incarceration of ecclesiastics ; slaughter of four prelates,¹ and innumerable priests and members of religious orders ; unfounded allegations that the Irish may receive more favor from Cromwell than from their King, of whose consideration for them they have experience in their banishment and wretchedness. Appeal from more than thirty thousand Irish Catholics, in exile and misery throughout Europe, to the Pope and the heads of the Church for aid to enable them to recover their country and to expel from England and Ireland those who labour to extirpate religion, to subvert monarchy and to destroy the Irish race.

APPENDIX.

I.

LETTER FROM CARDINAL BELLARMIN, A.D. 1600.

"REVERENDISSIMO IN CHRISTO PADRE MIO OSSERVANDISSIMO,

NOSTRO Signore è risoluto contentare questi Hiberni con mandare in Hibernia un Padre della Compagnia nostra Italiano, e mandarlo da Roma, e che sia a gusto loro. Però mi ha commesso che dica a V.P. che ne elegga alcuni, e conferisca con il Signor Pietro Lombardo,² che è il capo delli Hibernesi, e così di quelli se ne stabilisca uno di commune consenso. Con questo mi raccomando alle sue sante orazioni.

"Dalle stanze li 3 di Novembre, 1600. Di V.P. R^{mo} Att^{mo} servo in Christo,

ROBERTO CARD. BELLARMINO."

II.

LETTERS FROM DAVID KEARNEY, ARCHBISHOP OF CASHEL, TO MUZIO VITELLESCHI, A.D. 1616, 1617, 1618.

I.

"ADMODUM REVERENDE IN CHRISTO PATER,

LITTERAS Reverentiæ vestræ, 21 Maii datas, accepimus 6^o Julii, et gratias agimus pro tanta in nos benevolentia qua placuit Reverentiæ

¹ Malachy O'Queely, Archbishop of Tuam, killed in 1646 ; Boetius Egan, Bishop of Ross, and Emer MacMahon, Bishop of Clogher, who were hanged in 1650 ; and Terence Albert O'Brien, Bishop of Emly, executed in 1651.

² Peter Lombard, Roman Catholic Primate of Ireland 1601-1625.

vestræ rebus et negotiis nostris semper favere. Scripsimus ad Reverendum Patrem Oenum,¹ qui curam gerit Collegii Anglicani, ut is consignet aliquot monetæ scuta, triginta quatuor viz. (quæ ex meis aliquot jam annis habet) in manus Reverendi Patris Alfonsi Carilla, ut iis in negotiis nostris hic pro arbitrio utatur. Curabimus (ut monet Reverentia vestra) ut quispiam idoneus negotium sollicitet in Curia Hispanica, et ibi nunc est Pater Richardus Conwæus.² Et si Paternitati vestræ congruum videretur, optaremus ibidem hæreret dum totum negotium expediat. Ipse enim, et alius penè nullus, eam rem et novit et semper hactenus tractavit. Quare id Paternitati vestræ unicè commendamus.

“Aliam nobis occasionem præbuit oborta recens hæc in patria quorundam hominum malitia, mittendi quendam in Urbem, qui causam nostram exponat; hunc ut Paternitas vestra amplectatur, ejusque petitionibus, ac negotiis sua, et [*oblit.*] autoritate patrocinetur, rogo obtestorque. Et quò secretius hæc agantur, eò omninò meliùs. Nec vellem alius hæc intelligeret, nisi qui necessariò illa tractare debet.

“Si Don Baltazar de Zuniga ibi pro suo Domino agat, ille est et fuit in nos semper benevolus, benignus, et liberalis: in cujus mentem memoria illius redire poterit, quod in eadem cum ipso mensa Parisiis pransus est: Dominica Quinquagesimæ,³ annis abhinc fortassis quatuordecim: cujus manus, aliquo mediante amico, deosculandas meo nomine peroptarem. Interim, Deus Optimus, Maximus Paternitatem vestram et reliquos amicos diu nobis servet incolumes. E loco mansionis nostræ in provincia nostra Cassellensi, die 15 Julii, in Hibernia, 1616.

Reverendissimæ Paternitati vestræ addictissimus,
DAVID, ARCHIEPISCOPUS CASSELLENSIS.”

Addressed: “Magnifico Domino D. Mutio Vitellesci, etc. Romam.”

Endorsed: “Hibernia, Julii [1]616. Archiepiscopus Cassellensis.”

2.

“ADMODUM REVERENDE IN CHRISTO PATER,

QUAS ad nos dedit Paternitas vestra 17. Decembris accepimus 25 Maii, quibus favorem in nos vestrum abundè intelligimus, et quantum cordi habeat negotia nostra: quæ si ex animi sententia nobis succedant, vestri hîc saltem fient participes emolumenti; et meritò, quia ipsi etiam negotium promovent, quantum in ipsis est. De alio verò negotio à nobis alteri commisso in Urbe eò fœliciolem speramus exitum, si illud etiam vestra autoritate, ut ratio dictabit, commendetur. Cæterum hîc magis nunc angustiamur quàm hactenus: persecutio enim (ut plenius aliundè intelliget) ratione novi Gubernatoris,⁴ qui mira Regi nostro promittit, in dies magis magisque acuitur. Interim orandus est Deus ut nos patientia munire velit. Bissonius vester, proximis hisce diebus nobis hîc adfuit, ægrâ satis valetudine, sed infracto animo. Quod reliquum est, Paternitati vestræ opto, quam illa mihi à Deo precata est fœlicitatem. Ex Hibernia, 26 Maii, 1617.

Reverendæ Paternitati vestræ addictissimus

DAVID KEARNEY, Archiepiscopus Cassellensis.

Addressed: “Magnifico Domino D. Mutio Vitelesco. In Urbem.”

Endorsed: “Hibernia, Archiepiscopus Cassellensis, [1]617.”

¹ Thomas Owens, of Hants, Rector of College of English Jesuits, Rome, died 1618.

² Richard Conway, native of New Ross, Ireland, died at Seville, A.D. 1626.

³ Quinquagesima or Shrove-Sunday.

⁴ Sir Oliver St. John, Lord Deputy, Ireland.

3.

“ADMODUM REVERENDE IN CHRISTO PATER,

LITERAS Paternitatis vestræ scriptas 12 Julii recepimus 15 Septembris, quibus quàm erat parata ad negotia nostra promovenda significavit, et recte facit, nam si illa nobis ex animi sententia succedant, vestri hic et alibi et emolumentum inde reportabunt non mediocre. Quare uti prædecessor vester nobis semper favebat, non minorem favorem expectamus nobis fieri a Paternitate vestra, quem præ cæteris adamamus et cujus familiaritate sepius usi sumus. Et quia Reverendus Pater Richardus Conwæns hoc negotium octo jam annis tractavit, è re vestra ac nostra erit non amovere illum loco, donec totum negotium uti benè incepit fælicius absolvat. Hæc sufficiant. Oremus, quia in graviore nunc persecutione sumus quam hactenus unquam, Sux Sanctitatis partes erunt nostrum negotium pro libertate conscientiæ obtinenda pro tribus istis regnis vehementer urgere, aut si fieri non possit pro tribus, saltem obtinenda pro hoc nostro Hiberniæ regno, propter multitudinem Catholicorum, et eorum in fide Catholica constantiam his centum ferme annis, et verendum sane nisi hanc libertatem sua Sanctitas urgeat pro hoc regno, illamque obtineat tanquam conditionem pernecessariam, ne plurimis ex nostris trahantur—velint, nolint—ad Protestantium ecclesias; uti latius significamus per literas ad Illustrissimum Protectorem. Valeat semper Paternitas vestra in Christo Jesu. È loco mansionis nostræ in provincia Cassellensi, die ultima Septembris, 1617 [1618].

Vestræ Paternitati addictissimus,

DAVID, Archiepiscopus Cassellensis.”

Addressed: “Reverendissimo in Christo P. P. Mutio Vitelesco, Societatis Jesu Præposito Generali. Romam.”

Endorsed: “Hibernia. Septembris [1]618. Archiepiscopus Cassellensis.”

III.

LETTER ON STATE OF IRELAND, A.D. 1623.

“COGNATE: Scripsi ad te circa festum S. Michaelis de statu patriæ nostræ, admodum afflictæ et oppressæ. Ne vero meæ literæ ad te non pervenissent, aut si pervenerint, minime res quæ ad afflictos Catholicos pertinent, mente cogitares, tibi iterum super eadem re, aliisque hoc in memoriam revocandum esse duxi. Revera omnibus pupillis¹ qui in Regis manu sunt, minæ intentantur de suscipiendo primatus regii juramento, quando libertatem a Rege postulant. Et quidem multi juvenes hæredes omnino contra conscientiam jurarunt, alioqui contenti esse debebunt carere fructu et possessione hæreditatis ac terrarum suarum quousque jurent.

“2^o. Omnes Maiores, magistratus, alique officiales ministeriales ac juridiciales, in civitatibus oppidisque corporatis in hoc regno annuatim electi, compelluntur invenire ministros officiales huic instituto conformes, sub pœna libertatum amittendarum (quod contrarium est tenori cartarum liberæque electionis), atque ita juramentum supradictum jurare.

“3^o. Nullo viro nobili (magnatibus exceptis) permittitur ut Romanus Catholicus nominetur.

“4^o. Omnes sacerdotes, alique jamdudum religionis nomine incarcerati, adhuc in arcta custodia sunt. Novus autem Prorex² rogatus a

¹ Court of Wards in Ireland, established A.D. 1617.

² Henry Cary, Viscount Falkland, Lord Deputy of Ireland.

magnatibus nostris ut libertatem aliquam concedat, respondit, se omnino neque tulisse secum ex Anglia, neque illinc talia mandata ex quo huc appulit, accepisse: se vero ob nullius gratiam velle suæ commissionis fines transgredi.

“5°. Excommunicationes omni cum rigore ac severitate ampliantur atque ministrantur contra cives Dublinenses aliosque Catholicos. Coguntur autem ne corpora eorum juridico processu prehendantur, intra domesticos parietes sese ut captivos et notorios maleficos continere. Officinæ, cellæque ocluduntur, ita ut plane prohibeantur ullum vinum aut alias mercedes vendere.

“6°. [Per] Statutum¹ factum anno primo Elizabethæ quo Recusantes dominicis diebus, aliisque festis per annum, in hæreticis ecclesiis Divinis officiis se præsentare sistere jubentur, toties quoties mulcantur duodecim denariis vel duobus Juliis.² Atque hæc mulcta stricte exigitur, ita ut nullus Catholicus, quicumque sit, excipiat. Hinc effectum est ut pauperes plane ad mendicitatem venerint: pecunia autem magno numero in regium ærarium refertur.

“7°. Omnes homines, cujuscunque conditionis fuerint, absque ulla intermissione citantur processu juridico et sistuntur in curiis consistorialibus cujusvis diocesis in qua habitant, eo nomine, quod liberos suos sinunt a sacerdotibus baptizari aut clandestina matrimonia (sic enim ea vocant adversarii) contrahunt: ut pro arbitrio Episcoporum suorum aliorumque ministrorum mulctam sustineant. Qui vero non sunt sustinendo, coguntur absque limitatione ulla sub pœnis gravissimis, ad crucem³ stare valde ridicule in foro vestiti linteaminibus, similiter etiam in parochialibus ecclesiis ad certas horas, cartis affixis in frontibus eorum litteris majusculis ‘Pro matrimoniis et baptismis contra Regis injunctiones.’ Postremo, nemini licet homini dicto aperire scholam publicam, nec ulli nobili permittitur liberos suos aut fratres in transmarinas regiones mittere ut aliquam artem, scientiam aut facultatem addiscant. Unde fiet ut cum tempore nostrates necessario Protestantes efficiantur; sicut omnes etiam juvenes hæredes nunc ita educantur ignari, ut jus suum in terris ac possessionibus suis tueri non possint. Hucusque res complexus sum superiorum litterarum mearum. Ab illo tempore mulcta imposita pro baptizandis parvulis jam supradicta cum summo contemptu exercetur. Oppidani Drog-hedæ, una cum uxoribus, famulis, liberisque plenæ ætatis (nullo excepto) recusationis nomine citati fuerunt, et a juratis duodecim conformibus viris, rei peracti sunt, unde fit quod in præsentem sunt periculo ut omnia mobilia sua perdant. Ac sine dubio brevi eveniet, ut hoc modo (si pergatur) omnes suas possessiones ac fundos exhauriant. Hæc omnia jam facta sunt per Dominicum Sarcefield,⁴ virum equestrem et nostratem, ejusque associatos octo diebus antequam has ad te darem. Præterea in provincia Louthæ⁵ jurati jussi sunt nomina dare omnium Recusantium. Cum autem tres ex juratis essent Catholici, nollentque aliis juratis consentire in Recusantibus præsentandis (erant autem, præter hos tres, jurati satis multi) in carcerem conjecti sunt per unam hebdomadam, ea lege, ut, nisi idoneos prædes darent, quod se sisterent in

¹ The statute here referred to appears to be that of the second year of Queen Elizabeth, A.D. 1560: “An Act for the uniformity of Common Prayer and service in the church, and the administration of the Sacraments.”—“Statutes passed in Parliaments held in Ireland,” vol. i., p. 284. Dublin: 1786.

² Julio, Giulio, an Italian coin, value sixpence.

³ The “High Cross,” Dublin. See “History of City of Dublin,” vol. i., p. 213. Dublin: 1854.

⁴ Sir Dominic Sarsfield, Baronet, Chief Justice, Common Pleas, Ireland.

⁵ County of Louth.

ARCHIVES OF
JESUITS IN
IRELAND.

Cubiculo Castri,¹ sequenti termino jurisdictioni, expectarent (gravi mulcta imposita) mitti confestim ad carcerem Dublinensem. Similiter etiam actum est juratis in provincia Cavan: porro omnes Commissionarii in mandatis habuerunt, ut omnem adhiberent diligentiam, in suo quisque circuitu, quaerantque de rebus Recusantium: qui modus agendi ante hanc aetatem incognitus ac inauditus est. Proregis turma eorum et agmina satellitum a civibus Dublinensibus, non sine maximo sumptu aluntur. Multa sunt alia quæ queri possumus, modo sciremus quo pacto sublevari possint ac reformari. Sed ad præsens hæc sunt satis. Rogo te, igitur, per Christi Passionem et per amorem patriæ nostræ, ut has litteras cum Illustrissimo Domino Legato Hispanico communices, ea spe ut pro sua charitate dignetur apud Regem nostrum in hac causa auctoritatem suam interponere, faciatque ut ab hac servili miseria et captivitate qua nunc affligimur, liberemur, quo autem successu res fiet, obsecro fac ut quam citissime intelligam.—Dublino, 8 die Martii, 1623.”

No signature or address.

Endorsed: “Anglia, 1623. De presenti persecutione Hiberniæ.”

IV.

LETTER FROM THOMAS DEASE, BISHOP OF MEATH, A.D. 1623.

“Pax Christi.

“ADMODUM REVERENDE IN CHRISTO PATER,

VISIS Paternitatis vestræ literis, ad Reverendum Patrem Superiorem directis, continentibus quorundam religiosorum querelas exhibitas adversus Patres Societatis in hac nostra Hibernia commorantes, inde ansam de rei veritate inquirendi sumpsi, et facta per me diligenti totius negotii indagine, nihil præter meras calumnias adversus vestros Patres comperi, quippe qui litem cum nemine, sed amicitiam cum omnibus, quantum in ipsis est, colunt impræsentiarum; quam etiam semper intactam a primo sui in hanc insulam adventus instante in hanc usque horam coluerunt. Verum est, quod sesqui abhinc anno lis maxima adversus vestros intentata fuerit a Patribus Ordinis Divi Francisci, occasione erigendæ sodalitatis Beatæ Virginis, quam vestri ad promovendam in omni sexu et ætate devotionem fœlici successu erexerunt. In qua quidem controversia, vestri multas ac graves passi sunt injurias et molestias, in mediis persecutionis fluctibus, a præfatis religiosis, eorumque iudice conservatore, qui ausu temerario rebus Catholicorum periclitantibus, et persecutione ingravescente, vestros cum publico totius regni scandalo, excommunicationis sententia ferire per nefas non est veritus; ad hoc, insolito præfatorum religiosorum impetu, prorsus impulsus, seu potius compulsus. Quæ omnia interim cum insigni patientia et silentio vestri pertulere, in obsequium pacis, eligentes potius suo cedere jure, quam cum populi offendiculo jus suum tueri. Illa sola vice, et propter opus Christiana charitate dignum, vim non vi, sed pertinaci patientia vestri in Domino expulerunt. Quod autem spectat ad Dominum Balthazarem Delahoyd, Vicarium Generalem² Diocesis Ardmachanæ, nihil habuerunt vestri omnino commune, quantum ad interdictum, cui subiecit dictorum religiosorum oratorium, pro jurisdictionis Episcopalis justa defensione, nisi quod sint illi familiares, tanquam amico suo singulari, qui vestrorum auxilio et consilio frequenter in sui gregis regimine utitur. Ex qua

¹ Court of Castle-Chamber.

² The Roman Catholic Archbishop of Armagh, Peter Lombard, at this time resided at Rome. See pp. 346, 364.

quidem consuetudine, crediderim scaturiginem calumniarum adversum vestros manasse; quod scilicet, quidquid molitur dictus ille Vicarius adversus quempiam, hoc nonnisi vestris instigantibus, et consulentibus, molitur; quo nihil calumniosius, aut a veritate alienius, excogitari potest. Quòd si ita res haberet, ut ab adversa parte in medium profertur, certe non video, quare non potius laudi quam vitio, vestris vertaretur, si rogati, tanquam docti, cordati et in rebus agendis apprime versati, ab Ordinariis locorum, ut in re gravi, suam sententiam liberè dicerent, adessentque rogantibus suo salubri consilio. Quis enim, nisi omnino ignarus, ignorat quemlibet probum Christianum lege charitatis teneri, ut a proximo rogatus, illi in re justa (qualis est in questione dubia directio) manum præbeat viamque doceat. Durum itaque atque iniquum videtur culpæ in vestris, si faciant, quod sine culpa a nemine omitti aut negari potest. Cæterum, ut paucis multa complectar, vestri in his occiduis Europæ partibus, in pietate castisque moribus conspicui sunt; strenuique atque indefessi cooperatores nostri in vinea Dominica colenda, qui didicerunt (quod et opere præstant) cum grano salis, pro rerum, locorum, et personarum qualitate, sese tempori atque animarum utilitati accommodare, ac inoffenso pede cautè ambulare. Utinam in his rerum apud nos procellis placuisset aliorum Ordinum præpositis, suos subditos hortari seu potius illis in virtute strictæ obedientiæ præcipere, ut deinceps a dissidiis, calumniis, et obloquiis abstineant, Deoque vacare cum mansuetudine, humilitate et patientia, studeant, sicut decet religiosos Deum timentes ac diligentes; et quemadmodum vestri in omni occasione sese gerere optimè noverunt. Missis præterea plurimis præclaris facinoribus, quæ a vestris quotidie apud nos patrantur, hæc pauca currenti calamo scribenda duxi, ut vestram Reverentiam certiores redderem de nuda et pura rei de qua agitur veritate, et ut vestrorum innocentiam ab iniquis obtreptantium labiis et calamis, pro modulo meo vindicaret; in quibus nil penitus testificor, præter id quod vidi, audiavi ac certa mea scientia novi. Vale igitur in Domino, Reverende admodum Pater, oraque si placet Deum pro me, qui sum, et futurus sum, in omnem æternitatem,

Paternitati vestræ Reverendæ servus ad omnia paratissimus,

THOMAS, MIDENSIS Episcopus.

Datum in loco mansionis nostræ, 23 Novembris, 1623."

Addressed: "Reverendo Admodum in Christo Patri, P. Mutio Vitelleschi, Societatis Jesu Generali, Romæ."

Endorsed:—"Hibernia, 1623.—Reverendissimus Dominus Thomas, Episcopus Midensis, 23 Novembris.—Immerito conqueri Patres Franciscanos de Societatis hominibus, quos valde laudat."

V.

LETTER FROM DAVID ROTHE, BISHOP OF OSSORY,¹ A.D. 1624.

"REVERENDISSIME PATER,

Ex quo vestra Reverendissima Paternitas assumpta erat ad universæ Societatis gubernationem, frequens mihi cogitatio incidebat renovandi memoriam veteris notitiæ ne dicam necessitudinis, et dum aptam salutandi materiam opperior labuntur anni et lustra propemodum. Una apparebat nuper occasio bene opinandi, et de rebus nostris fœliciter

¹ See "Facsimiles of National MSS. of Ireland." Part IV.-2. London: 1884. Plate XLVII. An English letter of Bishop Rothe, written in 1628, is printed page 568 of Appendix to Fourth Report of this Commission, 1874.

ARCHIVES OF
JESUITS IN
IRELAND.

ominandi si diu tractatum inter principes matrimonium annuente Sede Apostolica lætum sortiretur exitum. Tunc utique cogitandum serio foret de stabili aliqua fundatione pro Societatis vestræ hominibus; ut quam nunc cursim per varias provincias et diœceses operam impendunt sane frugiferam nationi, eandem navarent cum majori incremento et proventu, fixis hinc inde sedibus et refugiis. Sed has cogitationes ad partum properantes, non intersecant ut speramus, impediunt tamen et remorantur diuturnæ illæ et pendulæ nostrorum principum consultationes quæ jam in Comitiorum fornace in Anglia coquantur; ut ipsi etiamnum hæreamus incerti de consiliorum fine et negotiorum eventu. Nec satis nobis constat quo tendant universa molimina; utrum ad exitium rei Catholicæ in nostris partibus (quod Deus avertat) an potius ad salutem et solamen Catholicorum. Edictum proscriptionis nostræ in Januario publicatum, et aliæ quædam subsecutæ machinationes terrorem injiciunt nostris; spei tamen meliorum temporum scintillam aliquam sub cinere foveant sermones et signa quædam ambigua quæ sollicitis animis trahuntur in partem magis propitiam. Et [ja]m nos solatur fiducia vestigium de pacifici Regis indole, nostri adversarii metu anguntur et sibi malè augurantur. Interim, moderatè nostra munia peragimus.

“Quocunque autem vergat rerumstrarum status, carere non possumus industria, pietate, et eruditione Societatis, quæ ut in aliis hujus regni lateribus agnosci debet apprimè necessaria: ita in ea civitate et diœcesi, unde, utrumque muneri impar, ego nuncupor, opportunam eandem experior et salutiferam. Et ni fallor in mentis augurio, non deerit ibidem ubi poterit tabernaculum figere, quando tempora successerint prosperiora. Deus omnia ad suum honorem et gentis hujus salutem dirigat, vestramque Reverendissimam Paternitatem diu sanam et incolam tueatur. Pridie Kalendas Aprilis. Anno MD[C]XXIV.

Reverendissimæ vestræ Paternitati

Deditissimus in Christo Domino

DAVID ROTHUS, Ossoriensis E[piscopus].”

Addressed: “Reverendissimo in Christo Patri, P. Mutio Vitellesco, Societatis Jesu Præposito Generali, Romam.”

Endorsed: “Hibernia. 1629. Reverendissimus Dominus David Rothus, Episcopus Ossoriensis. 31 Martii. Excusat se quod tanto tempore Societatis Generalem non salutaverit. De spe restituendæ religionis et suo in Societatem affectu. Sperat in sua diœcesi, cui indignus præest, sedem Societati inveniendam pacatis temporibus.”

VI.

LETTER FROM THOMAS WALSH, ARCHBISHOP OF CASHEL, A.D. 1629.

“REVERENDISSIME PATER,

DE progressu itineris in patriam, de fratris appulsu, et patrum in me humanitate per Patrem Batheum,¹ procuratorem missionis, Paternitatem vestram Reverendissimam certior reddidi: habeo nunc scribere, quod in cursu visitationis suæ me inviserit Reverendus Admodum Pater Robertus Nugentius, vestræ Missionis Superior, et cum eo Consultores ipsius Patres Barnabas Carnæus² et Walterus Wale,³ quibus

¹ William Bathe, Dublin, Jesuit.

² Barnabas Carney, of Cashel, Jesuit, resided for a time at Antwerp and Lille. He was author of “*Heliotropium, seu Conciones*,” published at Lyons in 1632 and at Paris in 1633. Carney is stated to have also written unpublished Latin discourses on the death of Thomas, Earl of Ormonde.

³ Jesuit, of Cashel, nephew of Barnabas Carney.

et adjunctus est Pater Johannes Baptista, quo in congressu, inter alia, ipse proposui modum promovendi vestram in hoc regno missionem, quæ mihi sanè cordi est: isque optimus, unicus et maxime efficax visus est (prout coram Paternitate vestra Reverendissima exposueram, id consilii tum approbante), nimirum ut selectus aliquis in Urbe maneat, qui Superiori Missionis aliisque transmarinis patribus corresponderet, et pro nata occasione invigilaret quid pro Missione præstari posset, quid Paternitati vestræ Reverendissimæ proponeret, quidque demum in mandatis acciperet ultro citroque significaret. Deinde ut alius Madriti in Curia Catholicæ Majestatis constituatur, cujus procuracione indigentia Missionis æque ac Seminariorum sublevetur. Ac ne hic Collegio oneri sit, per me licet licebitque illi consignare ex pensione mea centum ducatos singulis annis, ad demonstrandum tantilli æris minuto bonam animi mei in vestros propensionem. Hoc si concesserit Paternitas vestra Reverendissima ut duos a Superiore nominandos illis in locis constituat, audeo non modo sperare, sed et promittere fore, ut hæc Missio, ejusque Seminaria ac negotia indies efflorescant: cum alioquin (ut ingenue fatear) tanta sit oppressio afflictio hujus patriæ, ut non videam qua meliore ratione juvari possit. Quare obnixè Paternitatem vestram Reverendissimam rogo, ut modum hunc ac rationem observari faciat. Hoc Patres, hoc Seminaria, hoc afflicta ipsa patria, summis exoptat votis et postulat. Quod superest, Deum Optimum Maximum precor ut Paternitatem vestram Reverendissimam diu servet incolumem, cujus precibus et sacrificiis me valde commendo. E loco mansionis nostræ, 20 Julii, 1629.

“Paternitati vestræ Reverendissimæ addictissimus,
THOMAS, Archiepiscopus Cassilensis.”

Endorsed: “Hibernia. 1629. Illustrissimus et Reverendissimus Thomas, Archiepiscopus Cassellensis. 20 Julii. De suo itinere, etc.”

VII.

LETTER FROM MAGENNIS, BISHOP OF DOWN AND CONNOR, A.D. 1630.

“REVERENDISSIME PATER,

VENETIAS, Deo duce, salvus attigi. Non possum non his paucis et benevolentiam, et affectum effusissimum Reverendissimæ vestræ in me Paternitatis agnoscere, quem non alia re promereri potui quam sincero quodam in Paternitatem vestram vestrumque sanctissimum Ordinem affectu, et cultu; quem ego quacumque data occasione semper reipsa probabo. Jam rogo extremo me hoc beneficio obliget, ut Hugonem Davetum, Bernardumque, ejus fratrem, ad studia Theologica evocare dignetur, id vere maxime postulante afflictæ patriæ necessitate. Deus Reverendissimam Paternitatem vestram diu incolumem conservet Ecclesiæ et religioni. Venetiis, 20 Junii, 1630.

Reverendissimæ Paternitati vestræ Addictissimus

FR. BONAVENTURA MAGNESIUS,
Episcopus Dunensis et Conorensis.”

Endorsed: “Hibernia, 1630. Reverendissimus Fr. Bonaventura Magnesius, Episcopus Dunensis et Conorensis. Venetiis, 20 Junii.”

VIII.

LETTER FROM O'DONNELL, EARL OF TIRCONNELL,¹ A.D. 1636.

"REVERENDISSIME PATER,

INNUMERA Societatis Jesu in nationem nostram Hibernicam, tam hic in Belgio quam in aliis locis, collata beneficia, morum ac disciplinarum juventutem præceptis imbuendo, suo jure nos provocant ut gratias exhibentes si non re (quas temporum iniquitas et exilium nostrum ob orthodoxæ fidei defensionem non permittit) verbis saltem Societatis Superioribus, præsertim Reverendissimæ Paternitati vestræ, gratos et obligatos nos agnoscamus. Quam obligationem ego libenter agnosco, et illius Seminarii Romæ ab Eminentissimo ac benignissimo Cardinale Ludovisio piæ memoriæ in utilitatem Hibernicæ juventutis erecti, Divinæ Providentiæ calculo curam Societati commissam esse arbitror, unde uberrimos fructus tempore messis suæ Ecclesiam Dei, præcipue in Hibernia, collecturam non dubito; ex qua quendam juvenem Philippum Clery² in illo Seminario sub Patrum manu, literis operam dare intelligo, quem præceptoribus suis a Reverendo Patre Rectore, accedente Reverendissimæ Paternitatis vestræ favore commendatum esse velim. Pluribus implicitam gravioribus negotiis Reverendissimam Paternitatem vestram interpellere supersedeo; quam Deus Optimus Maximus, magno suæ sanctæ Ecclesiæ beno, ac Christiani orbis commodo, in multos annos prosperam ac incolumem conservet, quod ex animo voveo. Ex Regiis castris, die 24 Augusti.

Reverendissimæ Paternitatis vestræ obsequissimus filius.

[AL]BERTUS, Comes de Tyrconnell.

Reverendissimo Patri, Generali Societatis Jesu."

Endorsed: "Hibernia, 1636, 24 Augusti. [AL]Bertus, Comes de Tyrconnell, ex castris. Gratias agit pro beneficiis in nationem Hibernicam ratione Seminarii collatis. Commendat unum alumnum Philippum Clery."

IX.

LETTER FROM EDWARD, EARL OF GLAMORGAN, A.D. 1646.

"ADMODUM REVERENDE PATER,

IMPENSISSIMUM studium et amorem meum erga Societatem Jesu Admodum Reverendæ Paternitati vestræ non incognitum esse spero; Quod ni esset, unius epistolæ fines longè transgrederer, si id verbis exprimere conarer, cui nullum statui posse terminum profiteor. Re igitur non verbis agendum censeo: animique sinceros indices meas esse actiones cupio. Fratri³ meo carissimo proinde vices defero, meo ut nomine (quod ipse coram præstare longè mallet), Admodum Reverendæ Paternitatis vestræ manus deosculetur, ac mandata excipiat. Cui quicquid gratiæ et opis conferre Admodum Reverenda Paternitas vestra dignata fuerit, id mihi ipsi impensum existimabo, nullamque grati animi testificandi occasionem prætermittam; utpote cui nihil magis in votis est quam ut palam mortalibus omnibus testari mihi liceat quam vere et unicè sim,

Admodum Reverendæ Paternitati vestræ,

Ad omnia obsequii jura addictus planèque devotus,
Limerici, 22 Octobris, 1646. GLAMORGAN."

¹ Albertus Hugh, son of Rory O'Donnell, Earl of Tirconnell, and Brigid Fitzgerald, daughter of Henry, Earl of Kildare.

² The O'Clerighs of Donegal were hereditary chroniclers to the O'Donnells.

³ Lord John Somerset. See p. 279.

Addressed: "Admodum Reverendo in Christo Patri, Patri Vincentio Carafæ, Societatis Jesu Præposito Generali."

Endorsed: "Hibernia, 22 Octobris, 1646. Illustrissimus Comes Glamorganus, nunc Marchio Vigorniensis,¹ Generalis armorum, significat magnum suum affectum erga Societatem. Mittit Romam fratrem suum ad deosculandas manus Paternitatis vestræ. Commendat ipsum ac ipsius negotia Paternitati vestræ. R[ec]epta] 20 Aprilis."

X.

LETTER TO M. VERDIER FROM IRISH PRELATES, A.D. 1648-9.

"Exemplar literarum scriptarum ad Patrem Mercurium Verdier, Visitatore Societatis Jesu in Hibernia, a Reverendissimis et Illustrissimis Episcopis:

'ADMODUM REVERENDE PATER,

CUM intellexerimus Paternitatem vestram ex directione Sanctissimi Domini, per Admodum Reverendum Patrem Generalem vestri Ordinis, fuisse missam in hoc regnum ad inquirendum et examinandum quo modo religiosi Patres vestræ Societatis hisce distractis et turbatis temporibus sese gesserint, et nunc gerunt, et cum videamus Paternitatem vestram sinistris informationibus ab Illustrissimo Nuntio,² apud quem fuit Galviæ,³ tum de nobis tum de ipsis Patribus, fuisse præoccupatam, notum facimus vestræ Paternitati quod Patres vestri modestè, religiosè, prudenter semet gesserint cum nostra et communi omnium satisfactione et edificatione per conformitatem animarum et unionem quam inter se servaverunt et aliis monstrarunt: nullis turbis, molestiis, vel seditionibus se immiscendo: quas ob causas nos et totum regnum magnas illis et vestro Ordini debemus gratis. Quod si aliter quam fecerunt semet gessissent, tum se, tum posteros suos, exosos in hoc regno reddidissent, sicut fecerunt aliorum Ordinum non pauci regulares, qui severis nostris monitionibus et decretis refractarii, inter seipsos divisi, et cum omnium scandalo, factiosi, seditiones, turbas, cædes, conjunctiones per regnum procurando, seipsos et suos Ordines traxerunt in magnas angustias, et inextricabiles difficultates, de quibus nos cogimur strictam exigere rationem, et statuere condignam pœnam pro remedio. Quapropter hortamur Paternitatem vestram ut Admodum Reverendo Patri vestro Generali significari faciat quatenus causa vestrorum Patrum hic ita est conjuncta cum nostrâ, quod teneamur illam tanquam rostram sustinere, nec posse contra illos quidquam a sua Paternitate statui, quod in nostram condemnationem non cederet. Quod ab ejus prudentia longè abesse nobis persuademus, præsertim cum debeamus causæ nostræ simul et ipsorum æquitatem Sanctissimo Domino ac toti mundo probare. Paternitatis vestræ felicitatem ac incolumitatem precamur nos—

JO. ARCHIEPISCOPUS TUAMENSIS.⁴ — DAVID OSSORIENSIS.⁵ — THOMAS MIDENSIS.⁶ — FRANC. ALADENSIS.⁷ — EDM. LIMERICENSIS.⁸ — AND. FINIBORENSIS.⁹ — OL. DROMORENSIS.¹⁰

Kilkennæ, 20 Januarii, 1648[-9].

"Notandum est in Hibernia annum tantum inchoare 25 Martii."

¹ Lord Glamorgan succeeded his father as Marquis of Worcester in 1646. See p. 498.

² Rinuccini.

³ Galway.

⁴ John de Burgo, Archbishop-elect of Tuam.

⁵ David Rothe, Bishop of Ossory.

⁶ Thomas Dease, Bishop of Meath.

⁷ Francis Kirwan, Bishop of Killala.

⁸ Edmund O'Dwyre, Bishop of Limerick.

⁹ Andrew Lynch, Bishop of Kilfenora.

¹⁰ Oliver Darcy, Bishop of Dromore.

XI.

LETTER TO M. VERDIER FROM MEMBERS OF SUPREME COUNCIL OF
IRISH CONFEDERATION, 1648-9.

"Exemplar epistolæ quam misit Supremum Consilium ad Patrem Mercurium Verdier, Societatis Jesu in Hibernia Visitatorem: Ex Anglico in Latinum fideliter conversæ:

'REVERENDE ADMODUM PATER,

AUDIVIMUS adventum tuum in hoc regnum et lætati sumus præsertim cum audivimus te huc venisse ut informationem faceres de ratione qua vestri Patres se gessissent in ultima controversia quæ contigit inter Dominum Nuntium et nos. Et quia omnes, qui in his tumultibus eandem agendi rationem tenuerunt, sunt æqualiter involuti in hac materia, et causa illorum æqualiter agitur, nihil majori affectu cupimus quam ut novus rei status omnibus innotescat. Atque ita non possumus satis mirari singularem prudentiam et zelum Generalis vestræ Societatis in delectu quem fecit hominis prudentiæ hujus, qui ut testis oculatus possit ipsi reddere certam rationem de hisce nostris actionibus et refutare falsos rumores quos novimus sparsos contra nos, et contra eos qui nobis adhæserunt, ab his qui nobis adversantur. Et attendentes quam insignis fuerit vestrorum Patrum prudentia, doctrina, et vita exemplaris in tempore gravissimarum persecutionum, quam utiles sint Religioni Catholicæ in Hibernia et quam religiosè ac prudenter se gesserint his ultimis temporibus, nec dederint ullam causam offensionis aut scandali populo, ut fecerunt plures utriusque cleri sæcularis et regularis, non possumus sine injustitia abstinere quominus damus illis hoc bonum testimonium quod juste debetur ipsis, nimirum, eos, si se gessissent in his turbis ac tumultibus sicut plures alii utriusque cleri, et magnum præjudicium regno, et sibi ipsis ruinam fuisse creaturos. Et maximè judicavimus expedire ut tibi hoc notum fieret, optantes ex toto corde et affectu ut de iis vester Generalis et omnes alii certiores fiant vestri Ordinis Patres tam sapienter se gessisse ut meruerint a nobis et magni fieri et diligi.

Vestri valde fideles amici,

PHILIM O'NEILLE.	MOUNTGARRET.
ALEXANDER MACDONNEL.	DILLON.
RICARDUS BELLINGS.	N[ETTERVILLE].
GODEFREDUS BROUNE.	LUCAS DILLON.
GERALDUS FENNEL.	RICARDUS BLAKE.
P. BRYAN.	

Kilkennia, 23 Januarii, 1648[-9].*

"Notandum est illos qui subscripserunt esse omnes illos Consiliarios qui nominati sunt a Comitibus ut remanerent Kilkennia ut assisterent Domino Ormonio, Proregi, et omnia negotia majoris momenti definirent."

XII.

LETTER FROM PETER TALBOT, A.D. 1654.

"Pax Christi.

"REVERENDE ADMODUM IN CHRISTO PATER NOSTER,

Ex mandato expresso Regis Britanniarum scribo ad Paternitatem vestram quæ sequuntur. Hiberni Catholici, tam illi qui sunt in patria quam qui foris magno numero exulant, instantanter rogant Majestatem suam (et quidem qui in Hibernia sunt per nuntium expressum, alli omnes

per libellum supplicem) dignetur significare summo Pontifici suum erga ipsos affectum voluntatemque favendi religioni Catholicæ; quo uti ipsi sperant fiet ut Sua Sanctitas animum quoque adjiciat ad subveniendum extremæ religionis ac gentis necessitati. In hunc finem edidere manifestum inclusum¹ quod ad Paternitatem vestram mittit serenissimus Rex, ut Summo Pontifici status fidei ac Hibernorum omnium innotescat; quiquidem talis est, ut sine gravi religionis nota negligi non posse videatur. His precibus tandem ac rationibus Catholicorum motus, Rex voluit tentare animum Summi Pontificis, per Paternitatem vestram, cui multum confidit; petique hoc velit præstare obsequium Deo, sibi ac nationi Hibernicæ, pro constantia in orthodoxa fide tam crudeliter ac barbaramente afflictæ, ut dicat nomine suæ Majestatis Summo Pontifici, se nihil negaturum in favorem religionis Catholicæ non solum in Hibernia, verum etiam in Anglia et Scotia (quando Deus ipsum restituerit) quod a viris prudentibus peti possit, daturumque exercitum publicum Romanæ fidei in tribus suis regnis, legesque omnes contra Catholicos editas sublaturum, si Sanctitas sua per se et per alios velit tantum subministrare pecuniæ quantum sufficiet ad milites Hibernos in Angliam, Scotiam vel Hiberniam cum ipso Rege transportandos. Hoc Majestas sua promittit, cupitque ut commissio Pontificia ac potestas mittatur huc Coloniam ad Nuncium Apostolicum cum quo tractabit; si quæ obtulerit non placebunt Sanctitati suæ, nihil petit, aut expectat; promissis ac subscriptis stabit, cum sit e re sua fovere religionem illam, cujus professores expertus est subditorum fidissimos, atque monarchico regimini ex principis suæ fidei addictos. Cum vero ego objecissem Majestati suæ Declarationem in Scotia factam contra Catholicos, maxime Hibernos, respondit illam non minus fuisse contra se ac Protestantes quam contra Catholicos; fuisse vim manifestam, jam enim statuerant Scoti Presbyteriani personam suam Parlamento Anglicano tradere, si illam Declarationem ab ipsis factam non approbasset: quamprimum vero atque in ipsa Scotia paulo post rerum potitus fuit, illico publicasse primam illam Declarationem fuisse vi extortam, quod verissimum est. Insuper non dubitat quin Summo Pontifici sit satis notum, fieri non posse ut Hibernis subveniatur alia via quam per Majestatem suam. Cromwellus enim illos penitus extirpare decrevit. Si vero a Sanctitate sua et Principibus Ecclesiasticis (suadente Pontifice) Rex non juvetur ut secum transferre possit exercitum Catholicum Hibernorum, oportebit ut (renitente licet animo) Presbyterianos amplectatur, juratos fidei hostes. Eo enim devenit res, ut diu non possit regnare Cromwellus; vel ipsi olim Regi infestissimi ipsum jam importune invitant, adeo sunt tributis oppressi tamque impatienter ferunt novi hominis insolentem tyrannidem: Majestas tamen sua non libenter ire vellet sine exercitu Catholico, cui posset fidere et Presbyterianos in ordine continere, ne religioni ullum damnum possint inferre. Si vero Summum Pontificem non tangat Hibernorum, ac religionis conditio, necessitate compulsus Presbyterianorum fidem tentabit, actumque erit de fide in regnis Britannicis. Miratur quoque serenissimus Rex tantam fidem adhiberi Romæ cuidam Abbati Cisterciensi Hiberno, nomine Crilly², homini scandaloso (sunt verba Regis) totiusque Angliæ ac aulæ fabulæ: dies consumit in tabernis, noctes vero alibi: nonnulli sunt in comitatu Regis, quibuscum (ut ipsi palam jurant)

¹ Not in the Ms. Its purport was probably analogous to that of the address to Innocent X., which is numbered 6 in this Appendix.

² Crilly or Crelly is stated to have acted in 1649-50, at London as negotiator between the Marquis of Antrim, General Owen O'Neill and the Parliament of England. See "Contemporary History of Affairs in Ireland, 1641-53," Dublin: 1879-81, vol. iii., p. 413.

ARCHIVES OF
JESUITS IN
IRELAND.

divertebat ad quasdam domos Parisiis et Londini. Quidquid sit de veritate hujus rei, certe nemo Londini dubitat de illa, tam publica et constans est fama; et tamen iste bonus Abbas per se et suos amicos (quod maxime dolendum) jactat se degere Londini non sine notitia Summi Pontificis, habereque a Secretario vel Congregatione de Propaganda Fide summam potestatem in omnes trium regnorum missionarios. Nunquam extitit majus scandalum religionis in Anglia, confirmantur hæretici in opinione falsa quam habent de Curia Romana ex moribus istius hominis, atque auctoritate quam prætendit.

“Hæc sunt quæ jussus sum a Rege scribere ad Paternitatem vestram nomine ipsius: per se noluisset id præstare propter aliquas rationes; præcipua est, quia non est certus an Sua Sanctitas velit negotium hoc promovere, quod Deus avertat. De cætero sua Majestas habet gratias Paternitati vestræ pro singulari affectu a suis subditis ubique erga ipsam declarato iis quibus potuerunt officiis; quorum promittit se nunquam fore immemorem, addetque novum gratissimum Paternitati vestræ si tali modo proponat istam rem Pontifici, ut de illa serio cogitet, ac remittat ad suum nuntium Coloniam, sic enim magis expedire videtur, Regi et secreto et effectui negotiationis.

“Ego vero de Rege possum dicere non sine fundamento, ipsum esse optime affectum non solum erga Catholicos, verum etiam religionem Catholicam; nec dubitant viri satis prudentes et orthodoxi, quin sit futurus et ornamento et utilitati Ecclesiæ Dei. Certè utilitatem brevè experiemur omnes, si in Angliam, auxiliis Summi Pontificis ac cleri, poterit trajicere cum exercitu Catholico Hibernorum, divertet enim Cromuellum, Hollandos aliosque confœderatos hæreticos adeo ut non poterunt executioni mandare quæ machinantur contra Principes Catholicos Germaniæ, Suecorumque conatus erunt irriti, dissolvaturque liga illa hæretica, toti Ecclesiæ tam formidabilis: nec ullum possunt Catholici invenire aptius instrumentum ad hæc omnia præstanda quam Regem Britanniæ, qui periculo suo ac subditorum nihil non tentabit pro pace firma stabilienda ac conservanda; hæc enim e re sua est, sicut omnia turbare ac confundere est e re Cromuelli.

“Deus servet vestram Paternitatem diu incolumem; nullus e consilio Regis, aut mortalium præter Regem, scit me scripsisse de ista materia ad Paternitatem vestram, neque ulli dicam; itaque non est cur vereatur aliquid præjudicii aut mali Societati futurum. Sanctissimis Sacrificiis Paternitatis vestræ me commendo.

Paternitatis vestræ indignus servus in Christo,

PETRUS TALBOTUS,

Coloniæ, 17 Novembris, 1654.”

Endorsed: “Hibernia, 17 Nov. 1654.—Colonia. Pater Petrus Talbotus. —Jussu Regis rogat Paternitatem suam ut res Hibernorum et ipsius etiam Regis commendat Pontifici, et miratur Rex quod Romæ tantum credatur Abbati cuidam Hiberno; et mittit libellum supplicem Hiberniæ. —12 Dec.”

XIII.

LETTERS FROM ANTHONY GEOGHEGAN,¹ BISHOP OF MEATH,
A.D. 1659, 1660.

ARCHIVES OF
JESUITS IN
IRELAND.

1.

“REVERENDISSIME PATER,

ONUSTUS maneo obligationibus vestræ Paternitatis et Societatis Jesu ; ubique inveni vestros meos protectores, et benefactores ; humiliter rogo ut meæ literæ Sanctitatis Suæ manibus tradantur vestra mediatione. Ab initio mundi non fuit talis confusio hic in Anglia. Sunt in continua confusione per tria hæc regna. Richardus Crumuel est privatus omni dignitate Protectoriatus ac omni jure hereditario quod ipsi a patre simul et Parlamento collatum fuerat ; hic credunt quod Henricus Crumuel,² Hiberniæ Prorex, non submittet se Parlamento ob sui fratris depositionem, et sic erit regnum adversus regnum. Qui modo gubernant, Flitwith,³ Lampert,⁴ Fairfax⁵ et alii volunt gubernare per modum Status ; sed unum scio quod paucissimi in toto hoc regno sint contenti quandoquidem nullus habeat securitatem vitæ vel honorum, quia omnia reguntur violentia gladii, non jure legum aut civium. Huc appuli ante octiduum, proponens firmiter ire in Hiberniam ad meum gregem, secundum omnem meam possibilitatem, quamvis transitus non fuerit tam difficilis a plurimis annis. Hæc sunt quæ de facto occurrunt. Rogans ut vestra Reverendissima Paternitas habeat memoriam mei in suis sacrificiis, promittens me semper fore amicum fidelissimum totius Societatis Jesu et vestræ Reverendissimæ Paternitatis. Interim vivo indivisus ad mandatum⁶

Vestræ Reverendissimæ Paternitatis amicus et servus,

FR. ANTONIUS,

Londinii, 20 Maii, 1659.

Episcopus Midensis Hibernus.”

Endorsed : “Reverendissimo Patri Goswino Nickel, Societatis Jesu, Præposito Generali, Romam.”

Endorsed : “Hibernia, 20 May, 1659.—Episcopus Midensis.”

2.

“REVERENDISSIME PATER ET HONORATISSIME PATRONE,

SINE memoria vestræ Paternitatis Reverendissimæ non celebroy, neque hoc mirum est quandoquidem obligationibus vestræ Societatis et vestræ Reverendissimæ Paternitatis onustus sum. Quoad nova, omnia meliora speramus propter adventum Regis nostri, qui est consolator nostræ nationis, uti omnes existimant, et de futuro erit fautor et restitutor bonorum. Vivo in cavernis quasi adhuc, sicuti et benefactor in quibus possem vestris Patribus et ad hoc teneor multis titulis et modis. Peto ut dignetur vestra Reverendissima Paternitas me commendare Summo Pontifici. Hic in quantum possum facio omnia quæ sunt meæ

¹ See Appendix V. Notices of this Bishop will be found in Contemporary History of Affairs in Ireland, 1641-52.” Dublin : 1879.

² Henry Cromwell, Lord Lieutenant of Ireland.

³ Charles Fleetwood.

⁴ John Lambert.

⁵ Thomas, Lord Fairfax.

⁶ Ms. torn.

ARCHIVES OF
JESUITS IN
IRELAND.

obligationis, sicut plurimi sciunt. Omnia fiant ad gloriam Dei, uti orabit

Vester fidelissimus servus,

FR. ANT[ONIUS],

Episcopus Midensis in Hibernia.

Ex loco nostri refugii in Hibernia, 26 Aug., 1660."

Endorsed : "Hib[ernia], 26 Aug. 1660.—Episcopus Midensis."

XIV.

LETTERS OF OLIVER PLUNKET, ROMAN CATHOLIC ARCHBISHOP OF
ARMAGH, A.D. 1672, 1673.

1.

"REVERENDISSIMO SIGNORE, MIO PADRONE OSSERVANDISSIMO,

IL Signore Creveo, Agente de Prelati di questo regno in cotesta corte, mi scrive, quanto è obligato a vuestra Paternita Reverendissima per la sua gentilezza, benignita e patrocínio preso di lui, il che è gran scellievo al detto Signore Creveo, sapendo tutti quanto gran padrone e benefattore ella è, come io so e seppi per lunga esperienza a Roma, come ancora tutti i miei paesani, li quali ricorrevano a vuestra Paternita Reverendissima, del che ne fanno tutti in questo regno ampla e larga testimonianza e fede; e già che non possono in altra maniera corrispondere o mostrare la gratitudine che in amore, e fare bene a suoi figli della Compagnia di questo regno, l'assicuro che in ciò non sono negligenzi, pigri o freddi; e li Padri per il gran bene che fanno, meritano d'esser amati, lodati e carezzati. Io ne hò tre Padri nella diocesi Armacana, li quali, per virtù, dottrina, e fatiche, sono bastanti d'arrichire un regno. Il fundatore della residenza Armacana è il Padre Stefano, Rice,¹ huomo dotto, efficace nel predicare, prudente nell'operare, e di profonda virtù religiosa; nè si stanca mai nel insegnare, instruire et assister alla gioventù et i preti giovani de quali è esaminatore e direttore. O quanto pati questi due anni e 4 mesi passati nel fondare la detta residenza! Sudavit et alsit; Ed è tanto modesto, tanto riservato, che pare che hieri fosse uscito dal novitiato di St. Andrea. Hebbe l'educatione in Fiandra, e prese veramente il spirito della Compagnia e lo conserva; è figlio degno di tanto padre quanto è St. Ignatio. Questo Padre Rice in somma è un altro Padre Yonge.²

"Il secondo è il Padre Ignatio Broune,³ predicatore insigne nella lingua Inglese, è huomo dotto, e di costumi esemplari. Fu allevato nelle Spagne, e predica ogni festa, con gran applauso nella capella parrocchiale.

"Il terzo [è] il Padre Murphi; buon teologo, buon religioso; e predica pure bene nella lingua Ibernese, ed è giovane di gran ingegno.

"Vi è un fratello chiamato Nicolo, e pare che sia fratello carnale de fratello Georgio di santa memoria. Nella scuole sono da 150 giovani, per la maggior parte figli di cavaglieri e gentilhuomini Cattolici; e

¹ Stephen Rice, Jesuit, born at Dingle, Kerry, in 1625, died at Dublin in 1699.

² John Yong, or Young, Jesuit, born at Cashel, in 1589, died in 1664 at Rome, where a portrait of him was engraved with the following inscription: "P. Joannes Yongus, Hibernus, Societas. Jesu. Ob., Romæ, 13 Julii, 1664. Ætat. 75."

³ Ignatius Browne, Jesuit, born at Waterford in 1620, founded a college at Poitiers, and died at Valladolid in 1679.

sono ancora da 40 figlioli di cavaglieri e gentiluomini Protestanti; ella puo immaginare, che cordoglio è ai ludimagistri e ministri Protestanti, veder li figlioli Protestanti venire alle scuole della Compagnia. Nella città della mia diocese dove è la residenza, sono residenze de Dominicani, de Franciscani, delli Agostiniani, e de Capuccini, e la città si chiama Drogheda o Dreat, nelle nostre lingue, Inglese, et Ibernese, nella Latina, Pontana, tanto distante da Dublinio quanto è Tivoli da Roma, è porto maritimo, situato sul nobile fiume Boine o Boina; e dal gran ponte che vi è la città si chiama Pontana. È abbondante di grani, di carni d'ogni sorte, e di pesci: la campagna attorno è habita[ta] per la maggior di cavalieri e gentiluomini ortodossi, e nella città sono mercanti ricchi ed arteggiani ben stanti. Quando io introdussi alla mia diocesi li Padri, e le Scuole cominciarono a fiorire, Monsignore Talbotto¹ riprendeva l'impresa come temeraria, imprudente e precipitosa e vana gloriosa, e che sarebbe di curta vita, e specialmente in una città si conspicua. Ma egli non sapeva il tutto. Il Vicerè, my Lord Berkley,² era mio amicissimo, e mi stimava più che non meritavo; et in verbo ipsius laxavi rete, e fondai la residenza; è il presente Vicerè, il Conte d'Essex,³ huome savio, prudente e moderato. Non è niente inferiore al predecessore nell' amorevolezza verso di me, e perciò le scuole, come vissero questi due anni e 4 mesi, così speriamo che Iddio per l'intercessione di St. Ignatio le dara una piu lunga vita. Ut ut sit, quando il vento è favorevole, bisogna alsar le vela e navigare; quando è contrario o tempestoso, le bassaremo e ci ritiraremo e qualche porticello sotto qualche montagna o rupe.

“Saluto caramente li Reverendissimi Padri Noel e Cattaneo, Secretario di vestra Paternita Reverendissima, come ancora li Padri Morelli e Cortege. Vi è nella Propaganda un giovane chiamato Gulielmo Plunkett, nipote del Conte di Fingallia,⁴ del Cavagliere Nicolo Plunkett,⁵ e del Vescovo Midense.⁶ Lo raccomando a vuestra Paternita Reverendissima; è mio parente.

“Padre Reverendissimo e carissimo, la carta finisce e manca, ma Io non finirò ne mancherò mai d'esser di vuestra Paternita Reverendissima,

Servitore affettissimo e obligatissimo,

OLIVIERO ARMACANO,

Dublinia, li 22 di 9bre, 1672.

Primate D'Ibernia.

“Al Reverendissimo Padre Oliva, Generale della Compagnia di Giesù, mio Padrone Osservandissimo, Roma.⁷”

Endorsed “R. 28. Jan. 1673.—Hibernia.—Dublinii, 22 Novembris, 1673. Domini Oliveri Plunkett, Archiepiscopi Armacani.—Agens Prælatorum Hiberniæ valde laudare studium erga se Paternitatis vestræ.—Multos esse in regno, qui bene de se merita Paternitatis vestræ meminerint, eoque nomine Societati bene faciant.—Tres è Societate esse in sua Diocesi:—Mire laudat Patrem Stephanum Riccium a virtute ac laboribus, itemque reliquos duos.—Multos filios Nobilium esse in scholis Societatis, atque ex iis 40 heterodoxos.—Esse etiam in urbe Pontana, ubi ipse residet plurium aliorum Ordinum Religiosos.—Suum

¹ Peter Talbot, Archbishop of Dublin.

² John, Lord Berkley, Viceroy of Ireland, 1670–71.

³ Arthur Capel, Earl of Essex, Viceroy of Ireland, 1672–75, 1676–7.

⁴ Earl of Fingall.

⁵ Sir Nicholas Plunkett.

⁶ Patrick Plunkett, Roman Catholic Bishop of Meath.

⁷ See “Facsimiles of National MSS. of Ireland,” Part IV.—2, Plate LXXVII. London: 1884.

ARCHIVES OF
JESUITS IN
IRELAND.

istud de residentia et scholis consilium visum fuisse temerarium Domino Talbotto, sed usum se favore duorum Proregum.--Salutat Patrem Assistentem Germaniam, Patrem Segretarium, et fratrem Morellum, itemque Cortegium.--Commendat Paternitati vestra nepotem suum, qui est Collegio de Propaganda."

2.

"REVERENDISSIMO PADRE MIO, PADRONE OSSERVANDISSIMO,

DA che io sono venuto a questo regno, mi sono, igegnato al meglio che ho potuto d'esercitare la gratitudine verso la Compagnia, la quale mi diede l'educatione, e non tralasciò mai maniera veruna di procurare il mio avanzamento alle cathedre di dottrina, et alle dignite mitrate; et io per venire su li miei disegni di servirmi della Compagnia, per beneficio spirituale della mia diocese, feci scelta del Reverendo Padre Stefano Rice,¹ persona (conforme io giudicai e poi sperimentai) di profonda religiosità, di gran prudenza, indefesso nel patire, et assiduo nel lavorare nella vigna del Signore, nei pergami e scuole della diocese Armacana, di tanta poi modestia, che quando sta meco spesse volte nelle case de signori piu grandi, non vi è novitio di St. Andrea che custodisca l'esteriore diportamento delli occhi, etc., piu che non fa egli. In somma mi parve sempre, da due anni mezzo che lo conosco e pratico, un vero figlio di S. Ignatio, e fratello carnale del P. Yonge della santa memoria. Hora, sono certo che non sbagliai nel giudicare, vedendo che vuesta Paternita Reverendissima l'eesse per Superiore di questa missione; e per dire il vero la missione ne haveva bisogno d'un tale Superiore, il quale per la prudenza e scienza la sa governare, e per l'essemplarita de religiosi costumi la puo dirigere; et è il commune sentimento dei Prelati e nobili ortodossi di questo regno che la Compagnia s'avanzera in Hibernia mediante il gran maneggio di questo Padre. Ma io che amo la Compagnia, e minutamente considero lo stato d'essa in questo regno, e pondero seriamente ciò che la puo conservare e giovare, e ciò che la puo distruggere, vedo che sta in una calamitosa conditione in questo paese; vedo che non sara (con mio gran cordoglio) di lunga vita o di lunga durata in Hibernia, se no havera modo e maniera di d'allevare e recever novitii, e di castigare li professi discoli e disubbedienti. Li Frati di St. Dominico e di St. Francisco hanno a Lovagno² et altrove a questo effetto residenze e conventi; l'hanno ancora li Capuccini a Charlevile³ in Francia. Se li Padri Inglesi della Compagnia non havessero collegi e residenze fuori d'Inghilterra, un pezzo factum fuisset de illis.

"E se vostra Paternita Reverendissima, per il gran zelo che ha della conservazione e propagatione della fede in paesi hetterodossi, e per l'affetto grande che sempre hebbe et ha a questa infelice natione, non dara la mano alla conservazione della Compagnia in essa, non fara quella riuscita che io desidero e si spera. Ma del modo che si potra prender nel giovarla io discurrero con il P. Rice e con li altri Padri gravi di questo regno, e ne daro parte del mio e loro sentimento a vostra Paternita

¹ See p. 360.

² Louvain. See Fourth Report of Royal Commission on Historical MSS. London: 1874, p. 599.

³ See Ninth Report of Royal Commission on Historical MSS. London: 1884. Part ii., pp. 344-5.

Reverendissima; e preghero sempre per la salute e lunga vita di vostra Paternita Reverendissima. Armachia li 30 di Genaio, [16]73.

Servitore affettissimo e obligatissimo

OLIVIERO ARMACANO,

Primate di tutta l'Hibernia.

"Al Reverendissimo Padre, mio Padrone osservandissimo, il Padre Oliva, Generale della Compagnia di Giesù, Roma."

Endorsed: "Hibernia, 30 Jan. 1673."

XV.

LETTER FROM PETER TALBOT, ARCHBISHOP OF DUBLIN, A.D. 1673.

"REVERENDISSIME IN CHRISTO PATER,

CUM Episcopi et Religiosi edicto Regis ejiciantur ex Hibernia et Patres Iberni Societa[tis] Jesu nullum in hisce partibus habeant domicilium, obtuli meum obsequium Patri Riccio, Missionis Superiori, si ulla in re mea indiguisset opera gens et de me et de Ecclesia Catholica optime merita. Pater Superior misit Parisios Patrem Ignatium Brunum,¹ qui huc appulit; verentur Patres Galli ne sit illis oneri, sed immerito; nam in Provincia hæere non cupit diutius quam incœptum negotium cum Regis Confessarii auxilio absolvat. Id negotium a Patre Riccio fuerat commissum Patri Bruno, quod mihi constat ex literis ejusdem Patris Superioris. Res est religioni Catholicæ ac salutis animarum tam proficua, ut non dubitem quin vestra Paternitas Reverendissima actura sit gratias Patri Ferrier, Confessario, pro patrocínio præstito, ac Patri Bruno pro labore suscepto. Nam ut verum fatear, soli vestri ad missionem Hiberniæ videntur idonei. Alii regulares (quod expertus sum) plus nocent quam juvant. Rogo igitur enixe Paternitatem Vestram Reverendissimam ut auctoritate sua foveat florentem quondam missionem, nunc plane in extremis positam; commendetque Societati in hisce Provinciis, ut exules pro fide socios ea qua par est charitate recipiant, protegant, conspirentque ad Seminarii, quod meditamur erigere, fundationem. Commendo me sanctissimis Paternitatis vestræ Reverendissimæ sacrificiis, precorque Deum ut eam vestræ Societati ac mihi servet ad plures annos incolumem.

"Reverendissimæ Paternitatis vestræ

humillimus in Christo servus,

PETRUS DUBLIN[ENSIS],

"Parisiis, 29 Decembris, 1673.

Hiberniæ Primas.

"Rex Angliæ ac Dux Eboracensis commendarunt me Regi Christianissimo, et quidem literis manu propria scriptis, enixeque ab ipso petunt ut mihi beneficio (caractere meo digno) provideat. Tradidi literas, meumque negotium Patri Ferrier, Regis Confessario, commisi. Dignetur Paternitas vestra Reverendissima ad ipsum scribere ut particulari studio in hanc rem incumbat, nam ex illius successu pendet spes Seminarii pro fide conservanda in Hibernia.²"

XVI.

LETTER FROM JAMES II., A.D. 1698.

"MON REVEREND PÈRE,

Nous avons reçu la lettre que vous nous avez écrite au sujet du changement que vous croiez estre obligé de faire dans le Collège

¹ See Appendix XIV.—1.

² See "Facsimiles of National MSS. of Ireland," Part IV.—2. Plate LXXVIII. London: 1884.

ARCHIVES OF
JESUITS IN
IRELAND.

Irlandois : La confiance que nous avons en vous nous fait esperer que vous ne le ferez point sans une necessité indispensable, et que vous aurez toute l'attention possible pour tascher de choisir quelque religieux de cette nation qui soit propre à gouverner cette maison. Cependant s'il vous étoit absolument impossible d'en trouver aucun qui p[e]ut y convenir, nous laissons à votre prudence et à votre discretion de faire ce que vous jugerez le plus à propos pour le bien et l'avantage de ce Collège, ne doutant point que lorsque dans la suite vous serez informé de quelque sujet national qui ait les qualitez requises pour le gouverner, vous vous souviendrez de la promesse que vous nous avez faite. Nous vous remercions des assurances que vous nous donnez si obligeamment de la continuation de votre amitié, de votre zèle pour tout ce qui nous regarde, de vos bonnes prières et de celles de la Société, pour laquelle, et pour votre personne particuliere, nous avons toujours beaucoup d'estime et de consideration. Sur ce nous prions Dieu qu'il vous ait, mon Reverend Père, en Sa sainte garde. Donné à S. Germain en Laie, et 15 Septembre, 1698.

Votre bon amy
JAQUES R.¹

Addressed :—"Au Reverend Père General de la Compagnie de Jesus."

Endorsed : "Rex Angliæ Jacobus de Collegio Hibernico in Urbe, de 15 Sept. 1698.—Epistola Jacobi, Regis Angliæ, circa electionem Rectoris in Collegio Hibernorum, Romæ, an debeat esse nationalis, 1698, 15 Septembris."

PAPERS.

1.

EXTRACTS FROM TREATISE ADDRESSED TO KING JAMES I. BY PETER LOMBARD, ROMAN CATHOLIC ARCHBISHOP OF ARMAGH [A.D. 1604].

"AD JACOBUM REGEM POTENTISSIMUM BRITANNIARUM PRIMUM MONARCHAM.

"PRÆFATIO.

"1. Britannicas Insulas, quæ tam magnæ, multæ, pulchræ, ut eas non inscite quispiam descripserit sic in terris esse sitas sicut in ornandis coelis discernuntur luminaria duo magna et complures stellæ, placuit coelorum Domino adunire tandem sub terreno tuo imperio, potentissime Rex Jacobe, Britanniarum prime Monarcha. Id erat tibi jure debitum, meritò est secutum, utrinque ex sanguine transfuso in te à tot claris progenitoribus, a tam chara matre² (quod ex amore meo in te et illam præfari mihi liceat) pro te insuper effuso.

"2. Nam si progenitores tui recolantur,—sive prisce illi proceres, qui, egressi ex Hibernia, ipsa est Vetus Scotia, et occupat præter Hebrides Insulas, permagnam Albionis partem, in hac fundavere alterius Scotiæ Regnum, quod te in lucem edidit, et Regem primitus coronavit,—sive potentes alii Principes, quicunque Britannici, Saxonici, Normanici sanguinis, in reliqua maiori Britannia regnare hactenus, quique ex iisdem protenso ultra mare Britannicum suo dominio, etiam in Galliis

¹ See "Facsimiles of National MSS. of Ireland," Part IV.—2. Plate XCII. London : 1884.

² Mary, Queen of Scots.

aliquando triumpharunt,—eorum in te omnium, pro derivata a singulis successoribus tuæ series, jura coeunt hæreditaria.

“3. Quod autem ad assequenda Regna duo, quæ pro jure isto posterius tibi accesserunt, Deus viam ita præparavit, ut hæc sub auspiciis transituri ad te eorum principatus, conquiescerent a bello, quo per multos eousque annos, tam cruenta decertatum fuerat, ut et Hibernia, decertationis illius area, plerisque vastata partibus, et Anglia, viris suis et viribus non parum imminuta manserit; quod, incidente ejusdem principatus interregno, Angli sine cunctatione magna, te ad conscendendum ejus solum accerserint, atque introduxerint; quod te progredientem eò, Scoti comitati sint, non cum hostilitate, aut tumultu, sed pacatè ac tranquillè, tanquam in amicam sibi subintrantes terram; quod Hiberni exsultantes de te optatissimo sibi Rege dato, hoc in sua primum patria regione festos agendos dies, celeberrimè publicarint; indeque trajecto mari ad suam tibi fidelitatem et obedientiam coram profitendam atque comprobendam, celerimè accurrerint; quod externi Reges, Principes, Respublicæ, etiam a quibus non visa diu antea legatio in Britannii, inaugurationis tuæ acciti fama, confestim ad te missis oratoribus, tibi, sibi, in te tuis, suisque dominiis solemnî pompa congratulati fuerint; quod ex ipsis imò Regibus, Principibus, et præcipuis orbis potestatibus, aliqui terra, marique longis emensis itineribus profecti sint ad te præsentia sua honorandum, de quo et gavisî plurimum, videntes quàm à te excepti essent magnificentia munificentissimo Rege digna. Quod hæc, inquam, omnia auspicia tam felicia haberet aditus tam ad ista hæreditaria tibi regna, id in præcedentia dudum Reginæ, matris¹ tuæ, merita referendum illi judicant merito, justum esse de Divino sentire judicio, qui quod percontatur ac deprædicat Sapiens: Mulierem fortem quis inveniet? procul et de ultimis finibus pretium ejus; altius secum recogitantes, hoc in ipsa deprehendunt comprobata usque ad ejusmodi consummationem, obquam maxime scriptum est: Pretiosa in conspectu Domini mors sanctorum ejus, quandoquidem usque ad effusionem pretiosi sui sanguinis, fortissimo toleratum animo.

“4. Quam effusionem subsecuta inde divina judicia in suis se effectis ita manifestarunt, ut esto, quod securis illa, quæ prospectantibus de cælo Angelis, obstupescitibus in terra hominibus, exserta fuit in sacrum Reginæ² hujus collum, tanquam et ipsa de sceleratis una esset feminis, videretur aliquibus, et tuo pariter capiti coronam abstulisse, jus tibi præscindendo ad futura tua Regna: Sed enim Deus, judex justus, fortis et patiens, ab alto respiciens humiliatam usque adeò heroinam, ejus præter id quod intrinsecus latebat virtutum decus, ipsam mox in cælos subvecturam, etiam natalium, et insignium ejus celsitudo, nulli magnorum qui sunt in terra fastigio nobilitatis cedit, ad tantam humiliationem, pro æternorum judiciorum æquitate, remunerandam, in hoc quoque mundo, et quidem in te ipso, qui mulieri adeo forti, ab eodem Deo datus es, et conservatus, hæres, bonorum, filius dolorum, merces laborum, fructus ventris, tibi tot Regnorum consequentem ab ejus morte reddidit multo faciliorem quam futura forsân esset in ejus vita, certè quam vel sperabant qui optabant semper facilem successuram, vel quam optabant, si qui aliquando fuerant, qui te nolebant regnaturum.

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¹, ² Mary, Queen of Scots.

"11. Quarum subinde consideratio rationum, tum me induxit ad scribendum aliquod opus, quod mundo testificetur, quam in tam justa et pia causa debeam Deo, Christo, et Ecclesiæ fidem, patriæ charitatem. Ex quo id institui scribere, statui pariter, et ad testificandam observantiam meam in tuam Majestatem, id ipsum tibi, Rex potentissime ac sapientissime, dicare ac destinare donum, pro Religione et patria debitum ab Episcopo, illius præsertim sedis,¹ quæ in universis Monarchiæ tuæ ditionibus, antiquissima est metropolis, adeoque ex qua non solum processit fundatio et dotatio prima ecclesiarum omnium in Hibernia, sed etiam prodierunt ad instituendos in Christiana, et Catholica Religione tum Pictos, Scotorum in Britannia antecessores, primi operarii Evangelici, tum Anglos, Britannicos, Saxones, plerique cooperarii; eoque proinde nomine et merito Pictorum, Scotorum, Anglorum piis Regibus, et populis, maioribus et minoribus amati semper atque honorati.

"12. In quo disponendo opere, seu dono adornando, dum moram aliquam mihi facit studium notanter cavendi ne de rebus patriæ ex aliquibus rumoribus, per quos ubi alios, ita et me contingeret seu opinando, seu scribendo falli, quicquam falsi evulgarem: Gaudeo interea innotuisse, et per certiora nuncia, quod in Hibernia tolerabilius agatur cum Catholicis in causa conscientiæ, et per scripta publica, quæ sint in religione questiones magis particulares hodie controversæ, de quibus tua, o Rex, laudatissima in salutis causa sollicitudo, videtur tam gratanter acceptura resolutionem solidam, ut et ingenuè spondeas, quoties religionis illius quam modò profiteris, ullum caput ostendetur non antiquum, Catholicum, et Apostolicum, sed novitium esse, ac recens, in rebus spectantibus ad fidem, te statim ab eo discessurum.

"13. Enimverò quod mihi votum atque studium honoris tui expetendi, obsequii tibi deferendi, est ejusmodi, quo et in patriæ primum causa, etiamsi constaret mihi præsentis mei laboris, quandocunque conspectui tuo sistendus, eum fore fructum, ut quod in illa causa spero, et peto sis liberaliter concessurus, tamen optatius mihi est, et jocundius, si præventus a benignitate tua, accedam ad supplicandum ut quod, operante Deo, cœpisti bonum opus, in nationem tibi devotissimam, Eodem co-operante, perficias ad laudem tuam et gloriam sempiternam. Deinde et in religionis causa ultra id quod ab initio statui in hoc opere comprehendere, porro ad satisfaciendum expectationi salutaris tuæ sollicitudinis, Deo, uti confido et continuè oro, regente mentem meam, et manum dirigente, quæstionum de quibus particularius disserendi postmodum data est occasio, qua possum industria, qua debeo observantia, interseram opportunis locis resolutionem secundum doctrinam fidei, ex qua credo ipse et spero salvari.

"14. Unde licet multa sint et magna, quæ præsentio mihi pertractanda, ita tamen hoc præstare est propositum, ut et de multis breviter dicam, memor quod cum Rege loquor, et de magnis solidè agam, sciens quod cum docto loquor Rege. Quod utrumque præstare propositum mihi sic intelligo, ut dicendo breviter, dicam et sufficienter, et agendo solidè, agam etiam intelligenter ad fidem obtinendam rebus de quibus dicam atque agam.

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¹ The See of Armagh.

"19. Quod deinde pertinet ad patriæ causam, quæ et de ipsa pertractare statui, ad religionem ita refero, ut ad inveniendam in conspectu Majestatis tuæ gratiam, qua statuas ac stabilias ut natio hæc frui possit libero exercitio religionis, in qua primum facti sunt Christiani, a qua nunquam hactenus exciderunt et pro qua conservanda etiam pactione interposita, dudum est translatum dominium Hiberniæ ad prædecessores tuos, Reges Angliæ. Præmissa regionis leuidensi Chorographia, in qua et ejusdem commoda præcipua compendiose recenseo tanquam quod ad Monarchiæ tuæ magnitudinem declarandam, confert, tracto consequenter, de antiquitate religionis Christianæ in Hibernia, de præcipuis ibi ejusdem religionis fundatoribus, Sancto Patricio et Sancto Palladio, quippe cum iste laboriose sit aggressus, quod ille fructuose consequutus est in Hibernis convertendis ad Christianam Religionem; de succedentium iisdem fundatoribus Hibernorum domi forisque, sanctitate et eruditione,¹ quæ tam celebris erat, ut Hibernia Insula Sanctorum passim nominaretur; de subsecutis postea abusibus quarundam observationum, et corruptelis morum; de reformatoribus ejusmodi abusuum et corruptelarum, Sancto Celso, et Sancto Malachia, Archiepiscopis Ardmachanis; de translatione domini Hiberniæ ad Reges Angliæ;² de rebus quæ huc propius spectantes translationem istam subsecutæ sunt usque ad mutationem religionis in Angliam; quam constantes interim Hiberni se passim exhibuerint in retinenda antiqua religione ab initio Christianismi sui suscepta, non obstantibus quibuscunque modis atque mediis ad ipsos inde abducendos postmodum attentatis; quam expediat ad Hibernos continendos in officio, fide et obedientia erga Reges suos, ut ejusdem Religionis inter ipsos vigeant exercitium atque disciplina.

"20. In quibus omnibus explicandis, quod ipse Dominus noster, Jesus Christus, annuit dicens, 'Reddite quæ sunt Cæsaris, Cæsari, et quæ sunt Dei, Deo'; quod Sanctus Petrus monuit, scribens: Subjecti estote omni humanæ creaturæ propter Deum, sive Regi quasi præcellenti, sive Ducibus tanquam ab eo missis ad vindictam malefactorum, laudem vero honorum; rursus: Deum timete, Regem honorificate; et quod Sanctus Paulus docuit his præceptionibus: Ut omnis anima potestatibus sublimioribus subdita sit; quod non est potestas nisi quæ a Deo ordinata est; quod qui resistit potestati, Dei ordinationi resistit; quod Principes non sunt timori boni operis sed mali; quod Princeps est minister Dei in laudem et bonum ei qui bonum facit: vindex in iram ei qui malum agit; quod necesse est subditos esse Principi non solum propter iram, sed etiam propter conscientiam. Quas et concludens præceptiones adhortatur: Reddite ergo omnibus debita, cui tributum, tributum, cui vectigal, vectigal, cui timorem, timorem, cui honorem, honorem. Hæc sanè omnia sic ego commendata habeo, quod in præsentì opere scopum mihi hunc præfigam, ut ista pro qua ago natio et regio mea patria, tuo, Rex maxime, benigno, favore alleviata, refocillata, recreata, exhilarata, serviat et liberius Deo in sanctitate et justitia, et libentius tibi, tuisque successoribus pro debita vobis obedientia. In qua professione finem præfandi faciendo rogo te, Rex optime, ut et eam benigne suscipias, tanquam testem fidum amoris mei in personam tuam, observantiæ meæ in Majestatem tuam, desiderii mei de posteritate tua in perpetuum stabilienda in ista Monarchia,

¹, ² Among the chapter-headings in Lombard's "Commentarius de regno Hiberniæ," as printed in 1632, are the following which nearly correspond with two of those above given: "De succedentium Hibernorum per aliquot sæcula cum domi tum foris sanctitate et eruditione," p. 171.—"De translatione domini Hiberniæ in reges Angliæ, quibusque facta conditionibus," p. 241.

quam Deus Optimus Maximus primum omnium in te ipso adunivit. Qui quod Rex sapiens proloquitur ; Justitia firmatur solium ; sic nosti verum esse, ut sine vera religione, non possit esse sive in Rege, sive in populo, justitia, quæ salutem stabilem operatur."

2.

EXTRACTS FROM REGULATIONS OF COLLEGE OF IRISH JESUITS AT
SALAMANCA [A.D. 1604.]

"1. COLLEGII HIBERNORUM SALMANTINI CONSTITUTIONES.

"Omnis reipub : status, et aliæ hominum societates, et Collegia, tum demum recte gubernantur cum pacis et concordiæ vinculis inter se continentur, quod cum sine lege fieri non posse certum sit, ut nostrum hoc Hibernorum Collegium recte dirigi, et administrari possit, leges aliquas præscribendas duximus, quibus alumni instructi, velut unius moris in domo, mutua charitate conjuncti unam eandemque disciplinam addiscant, et ad optatum finem perveniant.

"De admittendis. Caput 1^{um}.

"1. Quicumque ergo in hoc Collegium admittendi erunt, Hiberni sint, parentibus nullius infamis notæ, et legitimo matrimonio geniti.

2. Sint integro et sano corpore, ac bonas indoles præ se ferant, sint quoque necesse est firmæ valetudinis, ut studiorum labores, tolerare possint, illisque dotibus præditi sint ut sperentur suo tempore ad munus illud cui destinantur, recte obeundum idonei futuri.

3. Sint ætatis non teneræ sed maturæ, et in humanioribus literis ita versati, ut ad Logicam saltem addiscendam inveniantur idonei.

4. Habeant testimonium aliquod honestæ anteactæ vitæ, et bonæ famæ.

5. Intelligant omnes Collegii hujus finem esse, ut alantur in eo, et instruantur il tantum, qui spiritualibus Hiberniæ necessitatibus, pro talento a Deo accepto, poterunt opitulari."

* * * * *

"10. Qui in numerum alumnorum admittuntur in Collegium post aliquot menses ab ingressu, quando Superiori videbitur, habito de ejus vita et moribus experimento, jurejurando polliceantur se paratos esse vitam ecclesiasticam agere, et quandocumque eis injunctum fuerit, in Hibernam ad juvandas animas proficisci, et suo quisque chyrographo fidem astringet ad promissa servanda."

"CIRCA STUDIA. Caput 2^{um}.

"1. Quod ad studiorum rationem, et literarias exercitationes pertinet nemo suum sensum aut voluntatem sequatur, sed potius Superioris judicio et gubernationi sese subjudiciat.

2. Tempus studiorum illis a Superioribus diffiniendum erit, pro cujusque ingenio, et aptitudine, fere, tamen, nisi quid impediat, concedentur ad Philosophiam tres anni, et quatuor ad Theologiam. Qui vero ob adversam valetudinem vel proveciorem ætatem, aliisque de causis, ad ista scholastica studia superiorum judicio non videbuntur idonei, his concedentur tres anni ad Logicæ institutiones et ad Casus Conscientiæ, et Controversias addiscendas.

3. Nemo libros habeat qui non a Superiore probentur prius, et non censeantur utiles literis vel pietati comparandi.

4. Omnes dent operam ut literariis exercitationibus intersint, et fructum illum consequantur, quo et sibiipsis et aliis prodesse possint.

5. Nemo a scholis, repetitionibus, et disputationibus etiam domesticis, aberit sine necessitate, et Superioris licentia.

6. Certis diei horis, ut Superiori videbitur, studiis privatis vacabunt, et horarum omnium distributionem pro Collegii consuetudine diligenter observabunt.

7. Theses, aut publicas, aut privatas, non nisi Superiorum judicio et consilio defendendas proponent.

Formula jurisjurandi Alumnorum Hibernorum hujus D. Patritii Salmantini Collegii quod cum in Collegarum numerum ascribuntur concipere debent :

“Ego, N., Collegii Hibernorum Salmantini Alumnus, considerans Omnipotentis Dei singularia in me beneficia, et illud in primis quod è patria ab hæreticis infestata me dignatus sit educere Catholicæ suæ Ecclesiæ numero associando, cupiensque tantæ misericordiæ pro modulo meo satisfacere, statuo proponoque me totum ejus obsequio mancipare, hujus Collegii finem quam maxime potero exequendo ejusdem Collegii instituta, ritus, et regulas observando; sed et bonum ejus prout in me fuerit promovendo; juroque Omnipotenti Deo coram sacratissima Deipara Virgine Maria, nostro tutelari patrono Patritio, et Curia cœlesti universa, me animo dehinc paratum fore ad sacros Sacerdotii ordines suscipiendos, et in Hiberniam postea (divino favente spiritu) ad proximorum animas lucrandas reversurum quandò Superiori hujus Collegii pro nostri instituti ratione utrumque mihi visum fuerit precipere in Domino.

Salmantica: Anno Salutis nostræ—, mense—, die vero—. N.’”

“ii. CONSTITUTIONES SEMINARII HIBERNORUM SALMANTICÆ.

“PROËMIUM.

“Cum nullum sit hominum genus, eorum qui in communi aliorum societate degunt, communemque ducunt vitam, quod suis legibus et constitutionibus instructum non sit, progrediaturque ad eum, quem sibi præscripserit, finem, visum est, et huic Hibernorum seminario, quod est Salmantica, statuta quædam præfigere, et tamquam leges condere, quibus unius moris effecti illius alumni facilius ad præscriptam sibi metam, et constitutum finem Divinæ sanctæ gloriæ, et salutis propriæ ac proximorum perveniant. Intelligent tamen his ad nullum, neque mortale neque veniale peccatum obligari, idque non ut facilius violentur nullo timore inflicto, magis autem ut observentur proposito suaviter bono.

“CAPUT PRIMUM.—QUÆ REQUIRANTUR IN IIS QUI IN SEMINARIUM SINT ADMITTENDI:

“1. Nemo in Seminarium admitti potest qui non sit Hibernus ex utroque parente, et ex legitimo matrimonio natus.

2. Quicumque admittendus est, sit ætate nec 18 annis minor, nec 25 major. In hoc tamen justis de causis poterit dispensari.

3. Sit integro ac sano corpore, bonæ indolis, et virtutis studio deditus, sitque bonæ valetudinis ad studiorum labores facile ferendos. Linguae expeditoris: denique is fore ut Christianis moribus disciplina atque Catholica doctrina convenienter instructus, multos Christo lucrificare in Hibernia possit.

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JESUITS IN
IRELAND.

4. Nemo item admittatur, qui religiosus aliquando fuerit. Habeat tamen unusquisque alicujus præcipui, et insignis viri etsi fieri potest ecclesiasticæ personæ testimonium ac fidem bene actæ vitæ, bonæ famæ quodque parentes ejus non sunt infames, nec hæretici, aut infimæ conditionis, quique non se in sordibus ac vilibus ministeriis exercuerint, et quos non ita premat inopia ut sine ejus ope vivere nequeant.

5. Non sit præterea ære alieno gravatus, nec sponsaliorum aut matrimonii vinculo obstrictus, nec etiam aliqua censura vel irregularitate ligatus. Habeat firmum propositum institutum hujus Seminarii amplectendi, et servandi in eo communes regulas, in super et perseverandi in clericatu.

6. Velit etiam post examen de more jurejurando se ad ea omnia obligare, ad quæ se et ceteri Seminarii alumni eodem jurejurando obligarint. Præterea boni consulat, si antequam in numerum alumnorum admittatur per quatuor, aut plures menses, judicio de Superiorum de ipsius vita, moribus, et aptitudine periculum fiat, et si minus idoneus ad Seminarii institutum repertus fuerit, quiete dimittatur."

"CAP. 2.—DE RATIONE TENENDA IN ADMITTENDIS IN NUMERUM ALUMNORUM.

"1. Post duos aut tres dies hospitii per aliquos ad hoc deputatos fiat de ejus ingenio, probitate, ac litteris experimentum. Quo facto, Rector, et consultores decernent an sit admittendus, et quibus studiis applicandus.

2. Postea à ceterorum commercio sejunctus per octo vel decem dies spiritualia exercitia faciat et generalem totius vitæ confessionem, constitutiones seminarii perlegat, videatque an iis servandis divina opitulante gratia accommodare se possit, ac velit, et tandem per quatuor aut plures menses in probatione detineatur, et pecuniam, si quam habet, apud procuratorem deponat.

3. Deinde professionem fidei juxta formam à felicis recordationis Pii IV. traditam emittat. Promittat etiam sub juramento per schedulam propria manu scriptam quod quamdiu in Collegio victurus sit nihil aget, aut molietur, directe nec indirecte contra bonum hujus Seminarii, illius pacem et disciplinam, quodque ex tunc vita ecclesiastica amplectitur, et quodocunque ei per Superiorem Seminarii injunctum fuerit, in Hiberniam¹ ad juvandas animas proficiscetur, quæ schedula et juramentum in libro ad hoc parato, et ubi nomen, cognomen, patria, ac parentes cujusque alumni describuntur, asservetur.

4. His peractis, sacratissimum Christi corpus sumat, et postea clericali habitu indutum eum Superior amplectatur, quod reliqui alumni omnes facient, et in alumnorum numerum admittatur."

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"CAP. 5.—DE RATIONE STUDIORUM HUIUS SEMINARIJ.

"1. Nemo circa studia capessenda et exercitationes in illis proprium sensum et voluntatem sequatur, sed Superioris judicio penitus se gubernari permittat, illius enim curæ erit ea studia cuique præscribere, quibus potissimum operam dare conveniet; et ideo eos tantum quisque libros habebit, qui fuerint a Superiore approbatos.

¹ Under the heading: "De pietate et virtutum exercitiis" was the following injunction:—"Quotidie omnes privatim orabunt pro Hibernia, et pro conservatione ac profectu hujus Seminarii, et maxime pro alumnis in Hiberniam missis."

2. Assignatas sibi lectiones, et magistros adibunt; nec à scholis, repetitionibus, aut disputationibus, ullus sine Superioris facultate aberit, et omnes saltem ejusdem facultatis, ad scholas simul exhibunt et ad Seminarium revertentur.

3. Ex litterariis exercitationibus fructum illum consequi curare omni diligentia debent, quæ sibi et aliis ad Dei gloriam plurimum prodesse possint.

4. Caveant ne in disputationibus sint iracundi, mordaces, aut pertinaces, sed mansueti, mites, Præfectis et repetitoribus obedientes, paratique sint studiorum rationem reddere, quoties ab eis postulatum fuerit ubique autem Latine loquantur, nisi recreationis tempore, et prout Superiori visum fuerit.

5. In libris, quos acceperint, non scribant, nec ullam ducant lineam, neque mutuo illos alicui, seu domestico seu externo concedant, et quisquis librorum quos habet catalogum habeat, ut cum ab eis repetentur, rationem reddere possint, nec librum aliquem ex communi Bibliotheca accipiant absque expressa Superioris facultate.

6. Nemo dum in Seminario vivit, libros peculiares sibi comparet, nisi ex Superioris licentia; quoscunque autem habuerit discedens, secum non auferat, sed communibus Seminarii usibus relinquat, nisi aliud Superiori [*oblit.*] videretur.

7. Certis diei horis, prout Superiori videbitur, studiis vacabunt, ac horarum omnium distributionem juxta Seminarii consuetudinem diligenter observabunt.

8. Theses publicas aut privatas, Superioris judicio et consilio, dum in Seminario viveret, defendent, juxta academici consuetudinem.

9. Musici et Græcis litteris, theologi vero Hebræicis, quotidie aliquid temporis insumere debebunt, et maxime diebus illis, quibus à studiis vacant, pro Superioris arbitrio."

"CAP 6.—DE CAUSIS DIMITTENDI ALIQUEM EX SEMINARIO.

"Causæ quibus dimitti ex Seminario poterint, erunt infrascriptæ :

1. Si facinorosum aliquod grave, aut publicum delictum commiserit.

2. Si voluerit suo, et non pro Superioris arbitrio, studiis sese applicare, ac vacare.

3. Si contentiosi, aut inobedientes usquam evaserint, ut correctio desperetur.

4. Si judicio minus sano, vel frenetico laborant, aut infirmitate incurabili.

5. Si nullus profectus in litteris aut in virtutibus appareat, ita ut nulla spes sit venturi ministerii alicujus fructus in vinea Domini.

6. Si, in examine sub ingressu in Seminario facto, mentitos fuisse in re aliqua gravi postea comperiretur."

3.

FABRICATED BULL, A.D. 1605.

"Vera copia.

"By the assurance of the assurances and God's Vicar Generall of the Catholick fayth upon earth unto all our faythfull Catholicks in Ireland, peace from Our Lord Jesus Christ.

"Deare children, greeting unto you from Our Lord Jesu Christ, desyring of him that you may remayne stedfast untill his comminge which wilbe shortlie for his elects sake. Whereas we are in cur

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JESUITS IN
IRELAND.

fatherly affection (tendering the salvation of your soules health) and pittying your miserable estate and bondage under the tyrannicall yoke of heretikes. Upon the first of November last, there came before us in our consistory the proclamation made out against the Catholicks by that tyrannicall Apostata, usurper of the supremacie of Apostolick dignitie, which hath indured many hundred yeares obedient unto our Sea of Rome, and nowe is surprised by schismatiks. But let not any man mervaylle of the manyfould downefalles into synne, or think it a thing serupulous; for the way unto salvation is strict, for this is that strictnes of the gate that leadeth unto blisse; this is the combate betweene the world and Christ never agreeing in one: this is that unspotted lawe of God, which notwithstanding converteth soules, and maketh them for to despise the lusts and delightes of the flesh, and also the extreame usadg of the world, only cleave unto Christ; and that which is most happie thynck to remayne with him in his tribulations, in the least iott not swearing from his holy will. Mervaylle not, though hereticks dissemble among Catholicks, though they shew no dissention but make all demonstration of fayned piety contrary to their owne consciences: for they receive our sacraments, professe our doctrine, and seeme for to detest all heresie; yet they want true religion and all constant profession of that they seeme for truth. Thearfore, deare children, I admonish you of a remedy which may deliver you from their precisnes: be at utter defiance with schisme and heresye, and let all the world knowe that in the last dangerous poynt you will take the surest part; and thearfore no way shrynk from your dutye towards God, then shall you certainly avoyde their divers snares. This of conscience assure yourselves that as you cannot too soone flee from places of suspected pestilence, so cannot you be too curious of shunning whatsoever hath but the least jott of savour of schisme or heresie. And, least you may for want of right persuasion of your dutye do amisse, compare allwayes the course of their going to their church, and the receaving of their sacraments or communion, as doing sacrifice or being present at sacrifice unto idolls and what you may do or say, you have done, the other, it is what you may dissemble for to do in the one or in the other, it is nothing: for I will shew you hereafter that although they be digrest from among them, yet there is synne committed in them all alyke. Sainct Augustin expoundeth the wordes of our Saviour concerning the difficulty of remission when a man synneth against the Holy Ghost; very learnedly he discourseth of the synne of schisme, which he affermeth for to be the synne against the Holy Ghost, for that the schismaticke uniting himselfe unto their congregations, or rather, as this Sainct sayeth, unto their segregations, and so deviding the spiritt of God, cannot have the same spiritt by which remission of synnes is given; for that martyrdome itself cannot avayle them: notwithstanding these which synne being in the church do only synne against the some of man; and not deviding the unity of the spiritt may have remission. All this he confirmed by the authority of Sainct Jude, who sayeth that schismatiks not houlding the head, have no spiritt, nor life in them. Thearfore, dearly beloved, this shall suffice at this tyme, not doubting of your earnest stedfastness as you have done unto this tyme; assuring you that we will send you ayde and greate strenght that shall assist you against all your persecutours, and that against the next harvest (to witt, Romaines, Germaines, and Spaniardes, with shippes and greate armies) that shalbe able for to resist all your tyrannicall governours, for so we have concluded it. And, furthermore, in that we tender your greate

zeale unto the Catholick fayth, we doe by our authority from God fully and wholly absolve and remitt unto you and every of you all your synnes from your byrth untill the tenth of June next ensuing. And, thearfore, this is our fatherly will that all our Bishoppes, Jesuits, and Preists, and all others our Catholick pastours, shall publish this exhortative and remission of synnes unto all our faythfull Catholics within our kyngdome of Ireland. Imbulled at Rome, the 7th of December [1605].”

“Superscripta est vera copia ejusdam bullæ (sic nominatæ) quæ circumfertur a Judicibus et Ministris in Hibernia; occasione ejus intolerabilem patiuntur Catholici in Hibernia persecutionem. Quam autem benè quadret ipsius ordo cum stylo et ordine Apostolico oculatus quisque deprehendat. Interea, causam nostram et Ecclesiæ Sanctæ suæ judicet Altissimus. Verius tantum admonitum cupio, eum cui committetur cura transferendi supradicta in Latinam aut Italicam linguam, in aliquibus locis deesse sensum; nolui enim quicquam immutare aut emendare, sed prout authoribus prodiit, circumferturque ab inimicis Ecclesiæ Christi, describere. Sollicitè inquisivi de ipsis originalibus, et an essent conscriptæ lingua Latina; sed nec datur ratio, neque responsio.¹ Dum scriptito ab adversariis peto, ubi nomen Vicarii Christi, ubi benedictio Apostolica, quæ præmitti solent? Quod novum exordii genus? Ubi phrasis termini, methodus, connectio, et mellifluus ille verborum fluxus ore simul et calamo Apostolico digna? Quo loco descriptæ sint Romæ? Apud S. Petrum, S. Marcum, aut alibi? Ubi annus Domini, aut Pontificatus Sanctissimi? Ubi subscriptio alicujus Secretarii aut Notarii Apostolici? Ubi annulus Piscatoris, aliudve sigilli genus, quo fides detur? Quis nuncius per quem missæ sunt tales literæ,—ordinariusne an extraordinarius? Et cum noverit Romanus Pontifex aliquos hic esse Prælatos Catholicos ad quos transmitti possent tales literæ, veresimilene sit negotium tanti ponderis sic per aera et in incertum transmitti? Fieri nî etiam potuit ut publicatum hic edictum die 26^a Octobris in Urbem pervenerit 1^o Novembris immediate sequenti? Et posito quod eo tunc pervenerit, quis credet diem festum Sanctorum Omnium quo tanta et tam cœlestis servatur ab ipso Pontifice solemnitas, in alium diem transferendum, et Consistorio deputandum? Ita quidem fieri posset si Pontifex vellet, sed ut tam insolita fieret mutatio, non ita premebat negotium quin in sequentem diem differri posset. Et quoniam mendacia, quæ inseruntur, unacum blasphemia et seditione in figmento illo contentis, non Christi Vicarium sed aliquem è catulis Calvinî deceant, ideo omnibus veritatem quantum possumus notam facimus. Interea, quo insipientia istorum nota fiat omnibus hominibus, humiliter Sanctissimi Domini Nostri judicium peto, a cujus ore et nutu totus dependeo.

JACOBUS VITUS,² Vicarius Apostolicus.”

4.

STATEMENTS ON AFFAIRS IN IRELAND, A.D. 1615, 1617.

“Informatio ex Hibernia ad Archiepiscopum Armacanum Primatem regni transmissa Roman, de statu in quo Eugenius,³ Archiepiscopus Dubliniensis, ibi versatur cum periculo suo, et ejus occasione etiam aliorum.

“Ex literis in Hibernia scriptis anno Domini 1615, die 10 Maii :

¹ In margin :—“Respondet calumniis et convitiis.”

² James White, Vicar-Apostolic of Waterford and Lismore.

³ Eugene Matthews or MacMahon, Roman Catholic Archbishop of Dublin, 1611—1622-3.

ARCHIVES OF
JESUITS IN
IRELAND.

“Multum hic invigilatur in Eugenium Dubliniensem, et de illo Prorex¹ regni deputatus narravit cuidam Baroni Catholico, ex cujus ore ego accepi, quod est nominatim et personaliter odiosus Regi, eaque de causa tam ipse Prorex quam regni Cancellarius² sunt solliciti ad ipsum reperendum, adeo ut existimem quod necesse habebit recedere ex regione. Tenet se valde privatim, et abstinet ab ordinando, confirmando, et aliis functionibus, per quas venire possit in notitiam. Vir bonus habet zelum, et magnum desiderium ad perfundendum onus, et ad dirigendum gregem suum, sed multum in illum collineatur ab eis qui Statui publico præsunt, ex suspicionibus et præsumptionibus ratione familiæ ex qua descendit, et loci in quo natus, et consortio in quo versatus, et tanquam non aliud quam præcursor esset adhibitus, propter alias quasdam molitiones designatas, quod ab ipso tamen nullo modo intentum esse, me securum reddo, tametsi illi qui præsunt, ita sint diffidentes, ut hoc nolint credere.

“Pro qua informatione intelligenda poterit adnotari quod familia ex qua descendit, id est, parentes ejus propinqui militarunt cum Comite Tyroniæ³ contra Coronam regni, et quod locus in quo natus sit provincia Hultoniæ,⁴ in qua sæpe solitum arma contra Coronam sumi, et quod consortium cum quo hic Romæ conversatus fuerit ejusdem Comitis Tyroniæ, et aliorum qui cum ipso ex Hibernia fugerunt. Cum quibus si pariter innotesceret, quod idem Eugenius promotus fuerit ad dictum Archiepiscopatum per sollicitationem importunam ejusdem Comitis apud Paulum, Papam V., idque contra quam idem Papa judicabat simpliciter expedire; et contra consensum et consilium Archiepiscopi Armacani,⁵ totius Hiberniæ Metropolitanæ et Primatis, tunc auferentur suspensiones, præsumptiones, et pericula, tam contra dictum Eugenium Archiepiscopum, quam contra omnes alios cum quibus in Hibernia familiarius ageret.

“Ex literis in Hibernia scriptis anno Domini 1617, die 17 Julii :

“Intentissima hic expectatio, et investigatio ad reperendum Eugenium Dubliniensem facit complures timere ne[*oblit.*] contingat errare in personis, et qui non quærentur, pro illo fortè apprehendantur, in quem intentio adeo collineat. Quomodo accidit Dublinii in postremo termino Paschali, ubi Cancellarius⁶ ipse regni cum alio quodam è supremo Concilio, Domino Adamo Loftio,⁷ et Magister, uti vocatur, Curiae Prærogativarum, Doctor Rivius,⁸ et pariter cum illis præcipui nobiles familiæ Proregis ex relatione ipsis facta per quendam exploratorem non sufficienter informatum, ibant personaliter bene associati ad quærendum dictum Eugenium in diversis ædibus, collocatis primum excubitoribus in quibusdam plateis et deviis angulis, ne ille forte evaderet, et in hac inquisitione tam fuerunt ardentes, quod non pepercerunt irruere in cubile cujusdam Illustrissimæ Comitissæ Catholicæ ex præcipua nobilitate tum Hiberniæ tum Angliæ, tametsi ejusmodi irruptio esset contra libertatem et privilegium, quo in Hibernia gaudent tales honoratæ personæ. Quæ

¹ Sir Arthur Chichester, Lord Deputy of Ireland. In a letter of 18 March, 1615, to Secretary Winwood, at London, stated that the “titulary Archbishop” (Matthews) was often in Dublin, but that he could not “get him nor any draught upon him,” though he had “offered largely for it.”—Calendar of State Papers, Ireland, 1615-25. London: 1880.

², ⁶ Thomas Jones, Archbishop of Dublin, Chancellor, Ireland.

³ Hugh O'Neill, Earl of Tirone.

⁴ Ultonia, Ulster.

⁵ Peter Lombard.

⁷ Adam Loftus.

⁸ Thomas Ryves.

proinde Comitissa tunc e lecto vix levata, valde terrebatur et offende-
batur tam subitanea et armata visitatione. Verum Dominus Eugenius,
Archiepiscopus, prout Deus voluit, erat extra potestatem sic ipsum
inquirentium, atque in ista inquisitione plures alii sunt apprehensi et
commissi carceri, tam ecclesiastici quam alii; unus regularis et alius
presbyter sæcularis nomine Guilielmus Donatus, qui licet in lecto
decumberet ægrotus, tamen quia putabatur esse Capellanus dicti Archi-
episcopi, coactus fuit se levare et alios comitare ad carcerem, ubi adhuc
detinetur. Confrater vester, Archiepiscopus Casselensis¹ et alius hic
vester delegatus, in suspicionem aliquam venerunt, quod essent conscii
proditariarum molitionum ejusdem Eugenii, quippe quem ipsi non
Archiepiscopum seu Episcopum, sed Architraditorem nominant, et sub
eo nomine quærunt et investigant. Veruntamen quoad opinionem et
notitiam meam de illo, nunquam potui aliquid tale in ipso observare, sed
potius contrarium reperi, quod nunquam inter nos aliquid tale intenderit,
et quod semper exhortabatur clerum suæ Provinciæ ne se intermitterent
in ullis negotiis politici Status, sed hoc non potuit persuaderi illis qui
præsunt politico statui, imo censent quod negotiatus sit in ejusmodi rebus
tam foris quam domi. Deus custodiat innocentes, et servet eos qui sunt
sinceræ intentionis.

“Atque alia ejusmodi de eodem sunt transcripta in aliis litteris.

Endorsed: “De statu Hybernæ causa Archiepiscopi Dubliniensis
Eugenii, etc., 1615–[1617].”

5.

DECLARATION BY IRISH ROMAN CATHOLIC PRELATES, A.D. 1648.

“EXEMPLAR DECLARATIONIS FACTÆ KILKENNIE CONTRA CESSATIONEM.

‘Per Archiepiscopos et Episcopos regni Hiberniæ congregatos coram
Illustrissimo ac Reverendissimo Domino Joanne Baptista Rinuccino,
Archiepiscopo et Principe Firmano, ac in eodem regno Nuntio Extraor-
dinario.

‘Nos, videntes ab Illustrissimis Dominis Supremi Consilii tractari de
armorum Cessatione cum Domino Barone de Inchiquin concludendâ,
existimavimus officii nostri esse et curæ quam de religionis Catholicæ
incremento et animarum nobis commissarum promovendi ac conservandi
habere debemus, ut illius Cessationis momenta attente [pond]ereremus
et studiosè consideraremus. Discussis igitur enucleatè rerum et
temporum præsentium circumstantiis et casibus omnibus ad id per-
tinentibus, invenimus prædictam Cessationem omnino tendere ad ruinam
Catholicæ religionis cultorumque ejus in hoc regno; ac propterea
conscientia moti eandem Cessationem periculosam planè et iniquam
esse declaramus ac nulli tutum esse eam amplecti. In quorum omnium
ac singulorum fidem ac robur, declarationem hanc describi fecimus, et
descriptæ subscripsimus.

Datum Kilkennæ, die 27 Aprilis, 1648.

H. Armachanus,²—Thomas Dubliniensis,³—Joannes Tuamensis
Electus,⁴—Thomas Cashellensis,⁵—⁶ Patricius Waterford et

¹ David Kearney, Archbishop of Cashel.

² Hugh O'Reilly, Archbishop of Armagh.

³ Thomas Fleming, Archbishop of Dublin.

⁴ See Appendix X, p. 355.

⁵ See Appendix VI, p. 352.

⁶ Patrick Comerford.

ARCHIVES OF
JESUITS IN
IRELAND.

Lismor. — Emerus Clogherensis.¹ — Franciscus Aladensis.² — Edmundus Limericensis.³ — Antonius Clunmagnoensis.⁴ — Boetius Rossensis.⁵ — Ter. Imolacensis.⁶ — Robertus Corkagiensis et Clonensis.⁷ — Andreas Finiborensis.⁸ — Andreas [Arthurus] Dunensis et Conorensis.⁹

“ Exemplar delegationis non possum nunc reperire, sed illud est datum Kilkenniae, 4 Maii, 1648, quo deleguntur a 14 superioribus Episcopis Illustrissimus Nuntius, Archiepiscopus Dubliniensis, Episcopus Clogherensis, Episcopus Aladensis, et Episcopus Limericensis, ut rei Catholicae provideant et speciatim ut tueatur Declarationem superscriptam etiam censuris Ecclesiasticis, si opus sit, et datur facultas Domino Nuntio unum aut plures subdelegandi in locum alicujus absentis.”

6.

LIST OF IRISH ROMAN CATHOLIC PRELATES¹⁰ [Circa A.D. 1654-9].

“ Dispersiones Episcoporum Hiberniae per Europam :—
Archiepiscopus Tuamensis.—In Gallia.
Episcopus Aladensis.—In Gallia.
Episcopus Dromorensis.—In Gallia.
Episcopus Corcagensis.—In Gallia.
Episcopus Archadensis.¹¹—In Gallia.
Episcopus Finoborensis.—In Gallia.
Episcopus Fernensis.¹²—In Gallia.
Episcopus Laeneinensis.¹³—In Hispania.
Episcopus Kilmorensis.¹⁴—In Hibernia.
Episcopus Clunfertensis.¹⁵—In Germania.
Episcopus Duacensis.¹⁶—Londini, in Anglia.
Episcopus Clunmacnosensis.¹⁷—In Alma Urbe.”

7.

ADDRESS TO POPE, CARDINALS, AND CATHOLIC CHURCH BY EXILED IRISH [Circa A.D. 1654].

“ Sanctissimo Patri Innocentio X., Eminentissimis Cardinalibus, Prælati omnibus, ac clero Catholico universo, Hiberni pro fide exulantes humillime supplicant :

“ Gens universa Hibernica, quæ a tot retro sæculis fidem Catholicam, et inconcussum erga Apostolicam Sedem affectum constantissime servavit, nunc extremis miseriis oppressa, et brevi (ni maturè subveniat) penitus peritura, rogat te, Sanctissime Pater, et vos, Ecclesiæ Catholicæ

¹ Emer MacMahon, Bishop of Clogher.

^{2, 3, 8} See Appendix X, p. 355.

^{4, 17} Antony Geoghegan, Bishop of Clonmacnoise, translated to see of Meath, A.D. 1657. See Appendix XIII, p. 359.

⁵ Boetius Mac Egan, Bishop of Ross.

⁶ Terence Albert O'Brien, Bishop of Emly.

⁷ Robert Barry, Bishop of Cork and Cloyne.

⁹ Arthur Magennis, Bishop of Down and Connor. For observations on the above document see “Contemporary Hist. of Affairs in Ireland,” 1641-52, Dublin : 1879, vol. i., p. 216.

¹⁰ See Appendices X., XI, pp. 355-6. ¹¹ Ardagh. ¹² Ferns. ¹³ Killaloe.

¹⁴ Kilmore.

¹⁵ Clonfert.

¹⁶ Kilmaeduaugh.

Proceres, ut attendere dignemini, quo loco sint res suæ Christianæ et publicæ. Speramus solam ac nudam calamitatum nostrarum narrationem suffecturam, ad movenda caritatis ac misericordiæ vestræ viscera, ut filiis vestris opem in suprema necessitate inclamantibus, auxiliatrices manus porrigatis.

“Anni sunt centum et amplius, cum hæresis miseram afflixit Hiberniam, possessionibus, bonisque omnibus quamplurimos Catholicos spoliavit; animi tamen remansere inconcussi; vix enim trecenti ex illo tempore a fide defecere.

“Anno 1640, Presbyteriani, seu Calvinistæ, non solum fidem Catholicam cum Hibernis extirpandam decrevêre (uti constat ex publico instrumento 5000 hæreticorum nominibus subscripto), verum etiam bellum contra Carolum I., Britanniae Regem, excitarunt, eo prætextu quod ipse cum Antistite Cantuariensi conspirasset ad religionem Romanam in Britannia stabiliendam, nimisque indulgeret Hibernis, qui detectis jam Puritanorum contra se ac fidem machinationibus, pro tuenda libertate conscientiae, quam possidebant, arma sumsere. Novam igitur ineunt Hæretici Angli ac Scoti confederationem, qua jurejurando sancitum est, ut ubique terrarum, sed præcipue in tribus regnis Britannicis, religionem Catholicam everterent, illiusque fautores adeoque Regem Carolum è medio tollerent. Hoc totius belli discordiarumque civilium seminarium et origo; hoc pravi fœderis vinculum: Hæc Carolo Regi iniquissimæ necis occasio; hæc servitutis Anglorum, novi insolentisque regiminis, basis ac fundamentum; utpote quo ingentes pecuniarum summas, ex innato Puritanorum adversus religionem ac gentem Catholicam odio collegere.

“Igitur post funestam Regis tragœdiam, devictis a facie populi Britannis, victorem militem transtulit in Hiberniam Cromwellus; mox per edictum nomine Parlamenti ac suo promulgavit, Catholicos qui se vellent submittere Reipublicæ Anglicanæ, non esse bonis, aut possessionibus, imo nec religione, spoliandos, nullius siquidem conscientiae vim inferendam. Rei familiaris inopia multis persuasit, ut se traderent fidei ac sponsioni Cromwelli; deinceps alii infelicibus successibus fracti, jamque ad extrema redacti, oblatas conditiones, renitenti licet animo, amplexi sunt. Sed neutris servata fides publica, in singulis capitibus violata.

“Oppressa Hibernia, serio consultatum est inter hæreticos, an omnes Catholici simul trucidandi essent, an vero extirpandi paulatim, et per partes? Diu anceps fuit controversia; tandem vicit secunda sententia, utpote infamiæ minus obnoxia, ac publicæ omnium censura. Quod revera hæc seriò agitata ac designata fuerint, vel ipse satis probat eventus, cum gubernatores hæretici ita omnia disponant ut ex illis sequatur totius gentis Catholicæ inevitabilis extirpatio. Pars enim in exilium amandata ad Barmudas, aliasque Americæ insulas. Pars in Hispaniam, Galliam, ac Belgium: Quæ reliqua est in Hibernia, adeo tributis consulto opprimitur, ut jam multis hominum millibus desint necessaria ad vitam conservandam. Non pauci viri generosi ostiatim emendicare coguntur, nonnullique promiscuè cum infima plebe, mancipiorum instar, vili pretio Barmudæ mercatoribus per militem venduntur. Multi illustres viri ac fœminæ famulatum ambiunt in Anglia, aliisque regionibus. Plurimi qui amplissimo fruebantur patrimonio inter gregarios milites exulant à patria, ne sint spectatores carissimarum uxorum ac filiorum cum fame ac morte collectantium.

“Vera satisque nota referimus, Beatissime Pater, Procereque Ecclesiae, etsi vix fidem inventura apud homines, qui ex humanitate sua cæteros æstimare solent. Atrociora tamen supersunt, et cæteris adhuc nationibus vix audita. Hæretici, tot, tantisque malis Hibernos ad mortem non satis properare arbitrati, et moræ impatientes, eorum miseras reliquias

simul universas præcipitare volunt. Poena capitali sancitum est ut omnes Catholici ad dictum mensem ac diem, patria, ædibus, ac possessionibus relictis, transmigrant in Conaciam, occidentalem Hiberniæ provinciam, bellis prorsus vastatam ac desolatam. Paludosa primum ac montosa loca occupare jubetur infelix transmigratio, dein cætera inculsa, ac ruinis horrida. Ex tenui peculio nihil secum auferre possunt; tum quia tributis quæ exiguntur vix sufficit, tum quia pretium vecturæ non æquaret. Ergo sine discrimine ullo sexus, ætatis, aut conditionis, ‘Transplantari’ (hoc enim utuntur vocabulo) oportet. Multis matronis, viduis, septuagenariis, Parlamento nunquam infensis, negata fuit facultas remanendi in aliis provinciis. Nonnulli Angli eandem cum Hibernis fortunam subire coacti, quòd eandem profiterentur religionem.

“Quod fides sola tam ingentem hæreticorum rabiem et tyrannidem in nos concitârît, nemo est qui possit ambigere. Sæpius enim Catholicis ingenuè professi sunt gubernatores aliqui hæretici, omnia mala nostra, ipsamque (ut vocant) ‘Transplantationem,’ abjuratione Sanctissimi Sacramenti, ac Primatus Summi Pontificis, vitari posse. Verum constantia Hibernorum tentatione tam gravi ac vehementi non tantum concussa non est; sed etiam majores inde vires atque animos resumpsit. Omnes enim adulti, post expiatis conscientias, Sacrosancta Eucharistia refecti, post religiosum trium Sabbathorum jejunium (quod et præstiterê infantes) voverunt unanimes, se nunquam fidem Romanam deserturos.

“‘Vox,’ tamen, ‘in Rama audita est, ploratus, et ululatus multus.’ Homines sunt Hiberni, humani nihil a se alienum putant. Humanum est ad summæ inopiæ, et dedecoris, ac mortis adspectum expavescere. Juvenes enim ac virgines non possunt non plorare speciei ac florentis ætatis jacturam. Ululant matres, dum liberos vident immatura morte rapi ad sepulchrum. Speramus tamen fore ut de Ecclesia Catholica, et Hibernis, vere cani non possit, ‘Rachel plorans filios suos, noluit consolari, quia non sunt.’ Absit ut Ecclesia, hoc est, Summus Pontifex, vosque, Illustrissimi Prælati, Hibernos filios vestros amissos lugeatis. Absit ut hæretica pravitas vestram superet pietatem. Ne patiamini ut coram Deo, et in seram posteritatem exprobari vobis possit, per vos stetisse, quò minus populus totus, adhuc semper Catholicus, non periret: et tot millia parvulorum, ac fratrum Christi, panem petiisse, et non fuisse qui frangeret eis.

“Quamvis in omnes indiscriminatim utriusque sexus Catholicos hæresis sæviat, maxime tamen in sacerdotes, ut percussis pastoribus grex omnis dispergatur. Cuilibet sectario fas est in quacumque domum, qua velit hora, ingredi, insolenter dominari, caputque familiæ eodem atque sacerdotem supplicio afficere, si quis in domo reperiatur sacerdos. Tot sunt per totam Hiberniam sparsa præsidia ut nemo iter facere, immo nec ambulare possit, quia a militibus rigidum subeat examen, quis sit, unde, et quò? Ignotos omnes illicò capiunt, eo saltem prætextu, quod de sacerdotio sint suspecti. Hinc fit ut sacerdotes incredibilia patiantur incommoda, latitente in sylvis, montibus, paludibus, cavernis subterraneis, ac sepulchris; è quibus tamen macilentis, pallidi, et vix semivivi eruuntur; alii ad patibulum, alii ad Barmudas, multi languescunt in carceribus, plurimi exulant a patria cum ordinis ecclesiastici turpi nota emendicantes. Gladio periêre Episcopi quatuor,¹ sacerdotes ac religiosi innumeri, et in sola Midensi diocesi triginta, plures in aliquibus aliis: omnes viri pietate ac doctrina insignes, plerique et genere illustres, de quibus brevi catalogus pertextetur.

¹ See page 346.

"Hæc cum sint certissima et publica, non desunt qui turpis lucri, et libertatis gratiâ prædicent, Hibernis Catholicis expectandum opportuno tempore, hoc est, cum eorum nemo superstes fuerit, majorem a Cromuello, Regis ac sacerdotum homicida, favorem quam a legitimo Rege nostro Carolo Secundo; qui semel concessas nobis pro religione et clero Catholico conditiones nunquam violabit: illius clementiam sæpius experti, nunc inter exilii misérias curam paternam sentimus. Petitione enim nostra motus, nec sibi nec nobis deerit in sollicitando apud omnes calamitatumstrarum sublevamento; quod aliter fieri nequit quam vestris, O Proceres Ecclesiæ, auxiliis, in quibus procurandis, ac colligendis, ut fraudes vitentur, solis illis fidem haberi rogamus, qui ad id præstandum a sua Majestate approbati fuerint. Nostra enim salus, ac libertas religionis, ab ipsius fortuna et incolumitate pendet. Odio Cromuellianæ tyrannidis, et innato populi ac nobilitatis Britannicæ erga Regem suum affectu, arma nostra ac vestra liberalitas, Deo propitio, felicem sortientur effectum.

"Eo majori fiducia isthæc petitemus, Beatissime Pater, quod pro ordinis ecclesiastici non solum libertate, sed etiam splendore, rejecta pace, novum bellum suscepimus: in quo Prælatorum ductum, imo et imperium secuti sumus; ut filii obtemperavimus Episcopis et pastoribus animarumstrarum. Oblatas pro religione conditiones respuimus, quia pro clero non amplissimas. Quam dispari nunc forte foret Hibernia, si concessis a Carolo I. conditionibus contenta fuisset. Certe ecclesiastici non emendicaret, nec serviret nobilitas, nec gens universa in extremum præcipitaretur exitium. Misericordia dignum est, ad tantas misérias, impellente pietate, devenisse.

"In hoc tamen rerumstrarum deplorando et miserando statu, id unum petimus, ut possimus sanguinem ac vitam pro restituenda religione, et asserendo Christo Hibernia profundere. Triginta et supra virorum millia in variis Europæ partibus dispersa erramus; egeni, extorres, omni fermè ope humana destituti. Si a vobis præsentis subsidio juvemur, animi nobis ac vires, Deo favente, sufficient ad pellendos è patria nostra, quidni et ex universa Britannia, atroces fideicidas et Regicidas. Bella sacra a Pontificibus Maximis olim sæpius indicta sunt: nuper pro defendenda contra Turcas et hæreticos religione, auxilia potentia per Pontefices, et proceres ecclesiasticos in varias regiones submissa fuere. Obsecramus, ut cogitetis, an bellum ullum sacratius esse possit, et auxilia melius collocari, quam pro tuenda salute Catholicæ gentis ac religionis universæ. Hoc denique per Christi cui servire volumus anorem perpendite; gentem nostram in extremo animarum ac corporum discrimine constitutam, non aliunde magis, quam a caritate Patrum populi Christiani opem sperare, ac petere, debuisse. 'Ne dicant gentes, Ubi est Deus eorum?' Ne dicant hæretici, Ubi est caritas Catholicorum? Ne inimici Ecclesiæ juste objicere possint, ecclesiasticos tanto ubique numero florentes, cum pereuntibus filiorum suorum millibus auxilio esse possent, pereuntium spectatores otiosos esse maluisse. Vos genti semper Catholicæ cum extrema egestate, et ipso exitio, ob causam optimam, nec sua culpa, luctanti, ut potestis ac debetis, subvenite: nos pro vobis ac religione pugnabimus, et moriemur.

"AD LECTOREM.—Lector Christiane, universam nationem Anglicanam non accusamus, quasi detestandorum criminum, de quibus hic loquimur, conscia esset: sed tantum de parricidis et Regicidis illis, qui religionem extirpare, monarchiam subvertere, et gentem Hibernicam destruere nituntur: Cum nobis constet Anglos, excepta vili plebeculæ fæce, sensu et misericordia malorum quibus opprimimur, tangi."

ARCHIVES OF
TOWN OF
GALWAY.

ARCHIVES OF THE TOWN OF GALWAY.—QUEEN'S
COLLEGE, GALWAY.—BY JOHN T. GILBERT.

LITTLE accurate information of early date is extant in relation to Galway, the capital of the Western province of Ireland. From the first part of the thirteenth century the town was under the control of the heads of the family of De Burgh, Anglo-Norman Lords of Connacht, who appointed its provosts or portreeves. Towards the close of the same century expenditure is recorded to have been made on the walls and fortifications of Galway from tolls levied there on wine, wool, cloth, leather, salt, fish, and other articles. The customs received at Galway in the thirteenth and fourteenth centuries were considerable, and much exceeded in amount those paid in Limerick at the same period. Grants for levying imposts to be applied to fortifying and repairing the walls of Galway were made by Edward III. in 1361 and by Richard II. in 1396. The latter King, in 1396-7, by charter, conferred on Galway various privileges in connexion with trade, and authorised the Provost and burgesses to elect annually from among themselves a sovereign or chief magistrate for the town. This charter set forth that the key to parts of the land of the King of England in Ireland was the town of Galway, in which his liege people as well as strangers were received, protected and comforted, but that it was so encompassed by English rebels and Irish enemies, that traders or others dared not approach it by land or water without a considerable guard; and that the burgesses, for its safe custody and defence, to their great impoverishment, maintained at their own cost, many men-at-arms, continuously by day and night. The annual election of a Mayor and Bailiffs at Galway was sanctioned by Richard III. in 1484, under a charter which included a prohibition against any lord, official, or other person entering the town without license from its authorities. In the same year the church of St. Nicholas, in Galway, was, with Papal sanction, made collegiate under the rule of a warden and vicars, to be annually elected by the Mayor and his council. Henry VIII., in 1536, addressed a mandate¹ to Galway, in which, among other matters, he ordered the inhabitants not to sell merchandise except in market towns; to shave their "over lips," to let their hair grow till it covered their ears; to wear English caps and attire shaped after the English fashion; to forego the use of saffron in their garments, to have not more than five standard ells in their shirts; to adopt the long bow and English arrows; to learn to speak English, to "use themselves after the English fashion," to reform the administration of justice by the Mayor and Bailiffs, not to succour the King's enemies, and not to forestall Limerick market. In 1545 Henry VIII. confirmed the previous charters of Galway and added further privileges. A charter was granted by Queen Elizabeth in 1575, about which time Camden² described Galway as a very fair and proper town, nearly circular in form and built almost entirely of solid stone. He added that it was well frequented by merchants, and had easy and gainful traffic by exchange of rich commodities both by sea and land. By a charter from James I., in December, 1610, the first Sheriffs of Galway

¹ Dated from Greenwich, 28th April 1536, State Papers, Ireland. Public Record Office, London.

² "Britannia," London, 1607, p. 757.

were appointed, and the town was constituted a separate county. At that period and subsequently, Mayors and Sheriffs of the Roman Catholic religion, after their elections, declined office and incurred fines rather than take the oath of supremacy. In 1642-3 Galway allied itself to the Irish Confederation in favour of Charles I. The administration of the town was then assumed by the Roman Catholics, and continued by them till its surrender in 1652, to the Parliamentary forces, after a siege of nine months. Under the Parliamentarians the government of the town was taken from the Roman Catholics, who were treated with much severity. In a petition for relief from the government of the time at Dublin, they described themselves as the descendants of "an ancient colony of English, planted in this nook of the country and endowed by the Crown of England, with charters, grants and immunities." A charter of incorporation was, in 1676, granted to Galway by Charles II. In 1686 Roman Catholics were, by order of James II., admitted to the Corporation; a Mayor of their religion was elected, and a new charter was issued by the King in 1687. During the subsequent war Galway adhered to James II. in opposition to William III. It was besieged with a formidable force by General de Ginkel in 1691, and capitulated on honourable terms in July of that year.¹ The administration of the town subsequently came into the hands of the adherents of William and Mary.

The oldest body of municipal records of Galway now extant is in a volume known as the "Statute Book" of that town or Liber "A," the contents of which consist of lists of Mayors, officials and councillors, copies of statutes or enactments, grants, petitions and memoranda, commencing in 1485 and terminating in 1709-10.

The volume is of paper, measuring fifteen inches and a half in length and ten inches in breadth; its leaves, numbered in old figures from 1 to 385, are occasionally written on both sides, some are blank or contain only a few lines, others are missing, and several are damaged, but have been repaired so far as practicable. In front are eleven leaves of an old and incomplete alphabetical table to some enactments in the initial part of the book. At the end of the volume the leaves from 301 to 385 do not contain any entries. The manuscript affords no information as to the time or circumstances of its commencement. The earliest writing in it would appear to be of the middle of the sixteenth century. With the exception of some Latin documents and entries, the contents are in English of peculiar and irregular orthography, frequently written in a contracted and obscure style. The original plan for the book seems to have been that the pages should be headed in chronological order with the names of the Mayors and officials for the respective years, and that under them should appear the records of the transactions during their administrations. In many cases, however, where probably no contemporary materials were available, these spaces remain blank. Others have been filled by the insertion of records of transactions long subsequent to the dates in the page-headings. Occasionally dates do not occur in connection with the entries so inserted, and it would be difficult to assign precise years to some of them. A document undated, but referable to 1557, appears on a page headed 1497, and an undated instrument assignable to 1500, is placed after a dated one of 1552. The book commences with the names of the first Mayor and Bailiffs of Galway in 1485. The entries for the sixteenth century begin on the lower part of the second leaf and extend to fol. 115. For ten

¹ See pp. 155, 156.

ARCHIVES OF
TOWN OF
GALWAY.
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consecutive years, from 1559 to 1568, there are no enactments entered. The records from 1600 to 1699 occupy from fol. 116 to fol. 271. From the early part of the seventeenth century many of the page-headings, with the annual records of the names of the Mayors and officials, are written in large characters, in combination with heraldic and ornamental devices and interlacements, drawn with pen and ink. The styles of writing and ornamentation are exhibited in the reproduction of one of these pages in the "Facsimiles of National Manuscripts of Ireland, Part IV: section 2." The page with the record for 1618 is colored with purple, red, and yellow. The name of the Roman Catholic Mayor in 1685 and 1686 is in large golden letters. Some leaves for the important periods of 1641, 1652, and 1688-91, are missing. The entries for the eighteenth century are mostly short and extend from fol. 273 to 289. A few extracts from this manuscript were included in the "History of Galway" by James Hardiman, published in 1820, but no detailed account of it has hitherto appeared. Appended to the present report the contents of the "Statute book" of Galway are given in the order in which they stand in the manuscript, with marginal references to its existing leaves, and notes as to those which are missing.

A very small portion of the manuscript is occupied by the records of the fifteenth century. The names of the first Mayor and Bailiffs in 1485 are followed by entries on the reception of the Bull for the College of St. Nicholas, in that year, and the re-enactment of two statutes of 1460. One of these prohibited the letting of land within the town to any Irishman, without licence from its council and officers. Another statute required that all dwellers in the town should have "reasonable weapons," according to their "vocation and calling." The manuscript does not make any reference to the remarkable act associated by ancient local tradition with the Mayor of Galway in 1493. It is stated that his son was condemned to be hanged, for having in a fit of jealousy killed a Spanish visitor to Galway, and that, as no executioner could be found, the father carried out the sentence with his own hands.¹

Among the matters recorded in the "Statute Book" to have formed the subjects of enactments, or to have occupied the attention of the administrators of the town of Galway, the following may be noticed:—

1500: Admission of an aged member of an Irish sept to the freedom of the town on petition from his son, a goldsmith in Galway.—1505: Sales of bread, "single ale," and "honied ale."—Answer to cry at town gates with weapons of defence.—Variances and injurious language.—Form of lease of land in town.—1507: Sale of meat.—1510-11: Regulations for boatmen, coopers, shearmen, sales of frise, cloth, mantles, butter, corn, grain, fish.—Overseers of honey.—1512: Expulsion of "Idle" men and women, unable to pay taxes.—1514: Rights of Mayor and officials in fish and flesh markets.—1516-17: Prohibition of loans or sales to Irishmen of boats, equipments, bows, guns, or powder.—"Bragging or boasting on the town" by Irishmen.—1518:—Members of Irish septs not to be received in town at festival times without licence from Mayor.—1519: Exclusion of Irish judges and lawyers from town courts.—1523: Office and accounts of Mayor.—Interference with occupations or "sciences" of town dwellers.—1521-2: Precautions against fire and disease.—1522: Disobedience to Mayor punishable by fine and incarceration in "lowest prison."—1523: Grants of freedom of

¹ A statute enacted by the Galway authorities, in 1548, required that persons condemned to death should be "put to execution" by the Mayor and officers of the town. See p. 412.

town restricted to those who speak English, and shave their upper lips weekly.—1524: Purchases from strange ship-merchants.—Injuries to the town by loading Irish galleys or boats.—1526: Rates of wages for carpenters and masons.—1526-28: Prohibitions against resorting to protection of Irishmen; against games with quoits, stones, hockie sticks, hand balls, cards, dice and tables. Adoption of cross-bows, long bows, hurling of darts and spears, and the “great foot-ball.”—1530: Levy of fine on Galway for manslaughter, according to amount settled by arbitrator on behalf of the town and by a Brehon, or Irish jurist, on the part of the country.—1532: Variances “between lineage and lineage.” Weapons drawn in quarrels to be nailed up in the pillory.—1536: Costly banquets by women on births of children.—1538: Security for fulfilment of contracts made in France, Spain, and “other lands,” for wines and merchandise.—1540: Parleys in the town with Irishmen.—1541: Purchases from merchants of Dublin, Limerick, Cork and Waterford.—1543: Display of goods in shop windows.—1544: Applications for “offerings” at Christmas, Easter and other festivals.—1548: Trials and executions of adversaries, found guilty of despoiling or plundering the commons of the town by land or sea.—1549: Detention in Galway of chiefs or members of septs till they compensated inhabitants of the town injured by them.—1550: Supplies of fish to Mayor and officials on “fish days.”—1552: Arrangements for “common house or inn” for strangers.—1553: Victualing of masons and carpenters for town works.—Banquets and feasts by Mayors and Bailiffs.—1554: Appraisement of silver plate in pawn.—1555: Fines for “buffets” to Aldermen, Bailiffs, Bachelors, and “Young men.”—1557: Arrangements for College of St. Nicholas and for election of Mayor and his councillors.—1574: Sale of meat.—1575: Compact of Mayor and Commons with Mac Donnell of the Isles of Aran and his clan.—1576: Practices of agents from Galway to Spain and other foreign countries.—1579: Deceptions in marking casks of wine in France and Spain.—Grant of freedom of town to Antony Fyton, Collector and Controller of Customs at Galway. Broaching of casks of wine and aqua-vitæ.—1579: Prohibition of exorbitant interest and of sending timber to foreign countries, in consequence of the great scarcity in Galway caused by the shipment of “green and high timber,” for many years past.—1584: “Confirmations and amplifications” of statutes made in 1485-6 and between 1505 and 1538.—“New ordinances” for Mayor and town; oaths for freemen, sergeants, constables and porters.—Periods for four general assemblies.—Forms for admissions of freemen.—1585-7, 1590-1: Forms of election and admission of Bailiffs and of indentures of apprentices and reception to freedom.—1586: Appointment of Council to the Corporation in all matters of law.—1587: Regulations for “Young men,” sent to foreign countries with goods.—1591: Levy of money for debts of town.—1592-5: Setting of lands; supplies of powder and match.—1599: Evasion of debts by residents in the country through protections from the Mayor.—1608: Property and documents of College of St. Nicholas.—1609-11: Fines and removal of Mayors for refusing oath of supremacy.—Reception of charter from James I.—1611: Appointment of Recorder.—1612: Office of Mayor; landing of wines; receipt of revenues.—1616: Fines for non-acceptance of Mayoralty and Shrievalty.—1621: Restrictions on making aqua vitæ and “strong beer,” in connexion with prices of malt and corn.—1625: Regulations for Mayor. “Indiscreet” disturbers of meetings in the town hall. Standard measures. Outcry, howling and shouting at funerals.—1627: Expulsion of “young fellows, not of the birth of the town,” pretending to be scholars.—Tokens or marks for the caps of needy natives of the

ARCHIVES OF
TOWN OF
GALWAY.

town, licensed to beg. Delivery of lists of scholars to the Mayor.—1631: Salaries of Mayor and Recorder.—1632: Certificate as to price of corn at Galway. Refusal of officials to comply with Governmental order as to oath of supremacy. Preparation of register of accounts and documents. Annuity to schoolmaster for training children of members of Corporation in “good literature and sciences liberal.”—1638: Grant of freedom to Sir Francis Willoughby.—1639: Appointment of Warden of College.—1643: Mass and sermon by Jesuit in church of St. Nicholas. Surrender of fort by English garrison. Religious procession. Public works in the town. Order of precedence. Collection of excise.—1646: Order from Supreme Council of Irish Confederation. Attendance at burials. Condemnation of “*Disputatio Apologetica de regno Hiberniæ*.”—1647: Freedom granted to the Marquis of Worcester. Petition from Abbess of Convent of St. Clare. Progress of works in the town.—1649: Letter from Charles II. Deaths from Plague. Services of physicians.—1653: Petition that the charter might not be in the “hands of the Irish and Papists.” Removal of officials and appointment of others.—1670: Pursuit of pirate.—1674–7: Charter from Charles II. Purchase of grant of customs.—1687–90: Charter from James II. Building of quay and pier.—1691: Surrender of town and election of new officials.—1701–2: Memoranda on abundance of fish. Grants of customs of Galway from time of Queen Elizabeth.—1709–10: Letter of marque from Admiralty.

With the “Statute Book” of Galway are preserved some volumes containing entries of proceedings of the Corporation there from the year 1679. The earliest of these books is not in good condition and much of the writing in it is hasty and irregular in style.

STATUTE BOOK OF TOWN OF GALWAY, A.D. 1485–1710.

fol. [1].¹

“Pyerse Lynche, ffurste Mayor of Gallwey, Androwe Lynche Fytz Stevne and Ihamis Lynche Fitz Marten, B[ay]llyvs, at Michalmas, anno 1485.

“1.—The Bulle of the Colladge² whiche the Corporacions bought was published and read in the courte-housse the iii. and vi. daye of November, in the yere above wrytin, 1485.

“2.—Item: It ys enactid for the common wealth that no marchaunt shall not lade ne transporte over the seas no unfyre men’s goodes, uppon payne to lesse that goodes and his ffredome. And also that no maryner ne shipe man shall carye nor tak no unfyremen’s goodes with him over the seas, but onelye fre men’s goods, uppon payne to lesse the said goodes or the just vallouer therof; and the said maryner or shipman for so doinge to lesse and forfayte one hundred shillinges; and the sayd goodes and forfayts to be devidid into thre severall partes, as to saye: one

¹ Many of the old numberings on the upper parts of the leaves of the Manuscript have been lost through decay. They are here and in the following pages supplied within brackets.

² Bull of Pope Innocent VIII., dated at Rome, sixth of the Ides of February 1484, in relation to the Wardenship of the Collegiate Church of St. Nicholas, at Galway.

parte to be to the reparacions and bulding of towne walles and workes, the second parte to the reparacions of the church, and the third parte to the officers for the tyme beinge.

"3.—Item : It ys enactid and agreid that no manner dweller, of whatsoever degre he or they be of, shall not seil nor set no lande or tennement within the same town of Galwey to no Irish man, withoute lycense of the Counsayll and officers for the tyme beinge, on payn of forfayting the sayd landes or tennement with an hundrid shillinges to be equally devidid as above wryttin.

"The above statutes was made by Will[i]am Duff Lynche, Suffrayn of the same [town], in anno 1460, and confirmyd by the above wryttin Perse Lynche, Mayor, with the reste of the Comence¹ of the same.

"Dominick Lynch Fitz John, second Mayor, Richarde Mares and Geffre Blake, baylyvs, in anno 1486.

[2].

"Mayors :

Will[i]am Lynche Fitz Saunder	-	-	-	-	1487
Geffere Lynche -	-	-	-	-	1488
John Lynche Fitz John	-	-	-	-	1489
Robuock Linche	-	-	-	-	1490
John Skeret -	-	-	-	-	1491
Thomas Lynch Fitz Edmonde	-	-	-	-	1492
Jhamis Lynche Fitz Stevne	-	-	-	-	1493
John Lynche Fitz Edmond	-	-	-	-	1494
Thomas Blake -	-	-	-	-	1495

Statutes :

"1.—Item : The xxii.th daye of Januarii in the yere above wryttin, it is statutid and established by the Mayor, Bailiefes and wholle Counsaill of this town of Galwey that no person ne persons of no degre shall not purchase ne shewe no manner wryte² againste anny of the enhabitannece of this same towne for anny matter untill suche tyme his matter or suite be pledid and tried in the Tollsell or Courte-housse befor the Mayor and Counsaill, on payne to lesse³ the somm of xx^{ti} poundes sterling, withoute anny remedy or grace, to be devidid into thre equall partes, as to saie, the one parte to the officers for the tyme beinge, and the second parte to repayre the commen workes, and the third parte to him on whom the said write was procurid or broughte.

"2.—Item : John Ffrenche being Maior in anno 1539, with the reste of the wholle Court and Consaill [h]is assente, have confirmid, ratiffid and established the above statute to be keapte and observid for ever more henchforth.

"3.—Item : Dominick Lynche being Maior ; Ambros Linch and Gorge Lynch, Bayliefs, in anno 1540, it was agreid by the wholle Courte and Counsayll that the said statute to be allwaye keapte and ratiffid and well observid from time to tyme as it is premitid.

"4.—Item : Laste of all, the above statute was confirmid and ratiffid by Thomas Blake, then beinge Maior, in anno 1563, by the assente of the wholle Courte. And further, for the better observing of the above statute, yt was orderyd by the said Mayor and Counsayll, that if in casse the Mayor neglechte to put the above penneltie in execution deulye by his tyme, the said Mayor that shuld so neglechte the excussion therof

¹ Commons.² Writ.³ Lose.

ARCHIVES OF
TOWN OF
GALWAY.

to paye, and paye and fforfayte of his own goodes towards the comon woork the somm of the above penneltie, and the nexte Maior to put the same in execution. And if anny the deffendantes shuld moleste or truble the said Mayor for so doinge, the Corporacion standith bound to save harmles the said [Mayor] in executinge the same statute from tyme to tyme.

fol. [3].

“Walter Lynche Fitz Robarte, Mayor; Wallintyn Blake and Thomas Bodikin, Baylyvis, in anno 1496.

“Mayors :

Dominick Lynch Fitz John	-	-	-	-	1497
Androwe Lynch	-	-	-	-	1498
Jamys Lynch Fitz Marten	-	-	-	-	1499

Masters :

Edmond Deane	-	-	-	-	1500
John Lynche Fitz Henry	-	-	-	-	1501
Jamys Lynche	-	-	-	-	1502
Geffre Lynche	-	-	-	-	1503
John Lynche	-	-	-	-	1504

“Statutes :

“Item : That all dwellers within this town, as well fremen as unfre[e], shall from tyme to tyme have such reaysonable weapon accordinge to ther vocation and callinge, on payn to forfayt xii.*d.* ster.

“Item : It is orderid and statutid that who so ever takith anny man ys¹ pledge or paun with his own proper hand, without a sergante or officere, he to lose hys accion and debtes for ever, and if it be provid that ther is no debtes ouinge to him that so would take anny pledge to paye in payne the somm or valleue that he claymid withoute anny grace, and his bodye to be put into prisson untill such tyme he paye the same.

fol. [4].

“Domynick Lynch Fitz John, Mayor; Walter Lynche and Olyver Lynche [Bailliffs], in anno 1497.

“[1.]² Item : In the honoring of Allmyghtie God and furtheringe of His Devin Service, the Mayor and Counsaill beinge assemblide, together with Sir Henry Brenegan, Wayrden, and the reste of the Colladge of this town, have, with one assente, consentid and agreid uppon that the said Wardayn and the reste of his brethren shall dayly saye or singe, as tyme requirith, in the quere³ the tydes⁴ or houres, as tercio, sexto and nono.

“[2.] Item : It is also agreid and ordered that the said Wardens and vicars shall keape residenc and housholld together contynually, a fare as ther pouer can extend.

“[3.] Item : It ys also agreid that all such corne or grayne that apertaynith to the said Colladge, ffarre or nere, shalbe deulie brought in yerly to the maynteyninge and sustentacion of the same housse and Colladge.

“[4.] Item : It is orderid that it shall not be lafull for every the said vicars to spend or bestowe in ther privat chambers any thing belonging to the covente of the same.

“[5.] Item : That no preste nor vicare of the same be found out of ther chambers or Colladg housse, withoute it be with lafull bussnes and causses, by night tyme.

¹ His.

² This document appears to be of the year 1557, during the reign of Philip and Mary, when Brenegan, mentioned in it, was warden.

³ Choir.

⁴ Prayers at canonical hours.

“[6.] Item : The said Wardayn and vicars hath promised and grauntid with one assent, for them and ther successors, trullye to keape and observe thes statutes for ever perpetuall to be done from tyme to tyme.

“[7.] Item : That it is statutid and contractid by the wholle Counsaill, by the advisment and consente of the Wardyan and vicars, with the clerkes, as Will[i]am Mollogan and Matheue Lurcan, that foure boies for the augmentacion of Godes Devine Service shalbe assistinge and helpinge to singe dayly at the quere, specially at Mary masse ¹ upon the sayd clerkes ys chardge concerninge ther learninge to said thre boyes upon the said Will[i]am, which thre he must enforme and teach to singe after the beste facion that he maye, or elles to paye one nobull ² sterling to every of them, to be gyvin to another Master ; and Matheue to fynd another child in like manner ; the vicars and Colladge allwayes gyvinge the said childrin meat and drinke contynuallye. And the said boyes from tyme to tyme to be admittid and electid by the Mayor for the tyme being. And if the said prestes and Colladge or clerkes doth neglechte and gaynsaye anything comprised in this statute, the Mayor so being shall levey upon them and every of them the yerly chardges or expensis of the said childrin. And this to be observid of them and ther successors perpetually.

“[8.] Item : Wher the Wardian and wickers³ of the Colladge had complainid heretoffore upon the Mayor and Comenc of this town, contrary to ther liberties or charters, to the Lord Archbushope Bodiken,⁴ which the said Mayor and Comence toke in evill parte so to complayne by the said Wardian and vicars on them, which ther antecessors had never done the like complaynt tofore, and had no auctoritie for so to do : Wherfor the Mayor and Counsaill hath, with one assente and consente, statutid and orderid, acordinge as all the Mayors and governors sethienc ⁵ the said Colladge was furste edictid and unitid together had the governance, correccion and jurisdiction of the sayd Wardyan and vicars for their disobediance, evill demeanours, or naughty proceedings, that the Mayors and officers from hencefourth perpetually shall in like manner controll, correcte and punish the said Wardians and vickers, they so offendinge, from henchforth withoute any further complaynt to be made by them or eny of them to Bushope or Archbushope, save onely to the Mayor and Counsaill for tyme beinge, on payn to lesse⁶ ther lyvings. And also that the said Mayor and Counsaill shall have the ellection, chossinge and admittinge of the Wardyn yerly, and the election of all such prestes or clerkes or anny man elles to serve in the church and Colladge.⁷

9.—Item : The said Mayor and Counsaill have with one assent promised and grauntid, for them and ther successors, that the Mayor so beinge shall save, acquite and deffend the said Wardyan and vicars, and ther successors, in peacable possession of all and singulare ther revenus, as well within as withoute this town, acording as they would keape ther own goodes.

10.—Item : Also the said Mayor and Counsaill have gyvin and grauntid to the said Wardian and vicars, and ther successors, to be servid next after the Mayor for tyme beinge of ther parte of causalties ⁸ by alliantes ⁹ resorting to the town of Galwy, suche as shuld be profitable for ther housse. Further, the said Wardyan and vicars and ther successors to

¹ An early mass in honour of the Blessed Virgin.

² Coin styled a noble.

³ Vicars.

⁴ Christopher Bodekin, Archbishop of Tuam, A.D. 1536-7—1572.

⁵ Since.

⁶ Lose.

⁷ An incorrectly dated transcript of this section is inserted at page 250 of the Ms.

⁸ Casualties.

⁹ Aliens.

ARCHIVES OF
TOWN OF
GALWEY.

be free from all rentes or duties of the pasture and grassing of Capneyvaugh, which they had in yefte¹ of John Athye.

fol. 5.

Androwe Lynche, Mayor; Petter Martin and Marten Ffannt, baylyvis, in anno 1498.

“[A.D. 1558.]—1.—To all men to whom this writtinge comith be it knouin that we, Mayor, Bailieffes and Comenc of the Kinge and Quenes Majesties town of Galwey, of our own meare gifte and volantly willis, and with one wholle assent, have gyvin, grauntid, and for ever more leate unto John Lynch Fitz John, of the same, burgenc, and his heires, a parcell of our ground, being at thes presentes waste withoute proffit, which parcell is cituatid besides oure wallis from Stevn Linch Fitz Arturs myll west, north, and south, to the runing watter of the sayd myll at south side, the mayne ryver at west, and the runing watter, comenly (*sic.*) as well of the sklus or dame, besyde the said myll as under bridge going to Saint Ffraunces Abbaye. And by the presents do gyve and graunte to the said John to his heyres and assignes the said parcell of ground in lenth and bredith, with the appartenance all and singullare, from us, our heyres, successors and assigns for ever more; the said John and his assignes yeldinge and paying to the comon pursse of this same town yerly the sune of xij.*d.*, ster. Also the said John and his heires ys bound to make no manner of reparacions ther but a loe gardinge, not plantinge anny great tres which mighte anoye the Comens or comon wallis of the same town or any therunto belonginge or apertayninge. Also the sayd John and his heyres is bound to hurte not the said myll the recourse of hys watters comming to or ffro or any other therunto apertayning and hurt not the common wayes in no wysse. But that the Comenc from tyme to tyme maye and shall have ther common recourse to all the common watters withoute let or vexacion.

“To have and to hold the said parcell with the appartinances to the said John his heires and assignes from us. The said Mayor and Comens, our heires, successors and assignes, the said John Lynch his heires, successors and assignes, in possession of the sayd parcell with the appartenance, agaynst all men in manner aforwryttin shall warrante and deffend for evermore by thes presents.

“In wittnes hereof we have not onely set hereunto our signes and common sealle, but also willid our Town Clerke to wrytte and signe this oure donacion. At Galwey, the xxth of October, 1558, et regni Regis Phillipi et [Regine] Marie v et vi, being present Richard Blake Fitz Geffre, Marten Lynch Fitz Jamis, Dominicke Linch Fitz John, Thomas Marten, William Skeret, Thomas Collman, Notary.

fol. 6.

“Jhamys Lynche Fitz Marten, Mayor; Peter French and Stevne Lynch Fitz Jamis, Bayllvs, in anno 1499.”

“[A.D. 1539.]—1.—In Dei nomine, amen: Inter Arthurum Linch, Maiorem ville Gallvie; Arthurum French ac Iacobum French, Ballivos, et eorum comburgenses, parte ex una, et Andreum Brown de Athu[n]ry, parte ex altera; sic erat conventum: Quod predicti Maior, Ballivi et comburgenses dederunt et concesserunt, de se suisque heredibus et successoribus qui tempore fuerint, eidem Andree Brown, heredibusque suis, libertatem et franchisiam, ac ipsos pro liberis hominibus ac Domini nostri Regis Anglie legeis acceptantes et accipientes, pro retalacione omnium

¹ Gift.

et singulorum bonorum et mercium ad ipsos spectancium in eadem villa Gallvie et infra libertatem ejusdem realiter fiendum et faciendum. Ita quod liberi sint prout ceteri homines alii liberi ejusdem ville. Et ad reteliam similiter. Jurati in communi retalacione omnium et singulorum bonorum ac mercium; ac emciones ac vendiciones libere facient ut alii liberi homines facere possunt. Necnon eciam predictus Andreas et heredes sui debent et tenentur nunc et inposterum respondere et solvere onera suportabilia ejusdem, juxta suam qualitatem, ut ceteri alii ejusdem qualitatis. Et si predictus Andreas defraudaverit custumam Regis et predictæ ville, aut decolaverit bona alterius suo nomine, hoc probato non solum suam presentem libertatem perdat, ymo¹ etiam bona sive merces per eum decolarata omnino confiscantur, juxta statuta ville predictæ Galvie.

“In cujus rei testimonium tam predictus Maior quam Andreas manu sua presentibus subscripserunt. Et sigillum officii Maioratus nostri presentibus est appensum xxii. die Octobris, anno regni Regis Henrici Octavi xxxi. 1539.

“[A.D. 1541.]—2.—Memorandum: Quod xix. die Januarii, 1541, in tempore Dominicii Linch, Maioris, ac Ambrosii et G[e]orgii Linch, Ballivorum, Nicolaus Brown de Athenry factus erat liber homo per Maiorem, Ballivos, et consilium ville predictæ Gallvie, sub modo et forma quibus predictus Andreas suam libertatem habuit, in omnibus et per omnia.

“[A.D. 1541.]—3.—Memorandum: Quod xix. die Januarii, anno instanti, Robertus Brown de Athinry factus erat liber homo per Maiorem, Ballivos, et consilium ville predictæ Galvie, sub modo et forma quibus predictus Nicholaus suam libertatem habuit, in omnibus et per omnia.

“[A.D. 1541.]—4.—Item: xxix. die mensis Julii, anno regni Regis Henrici Octavi xxxii., et Domini mcccexli., Dominicus Brown Fitz William factus est liber homo omnibus modo et forma supradictis quibusquidem prelibatus Nicholaus Brown suam libertatem habuit ut aliter, sub sigillo Maioratus, plenius continetur, et idem Dominicus tenetur ad omnes exactiones et condiciones quibus predictus Nicholaus Brown, ut supra visum est, obligatur. In cujus rei testimonium nomen suum presentibus subscripsit, die mensis et anno quibus supra.

“[A.D. 1542.]—5.—Memorandum: Quod x. die mensis Decembris anno regni regis Henrici Octavi xxxiii. et anno m^od^oxlj^o, in tempore Thome Lynch Fitz Stephin, Maioris, Petteri French et Jacobi Kerwicke, Ballivorum, Ricardus Brown Fits William factus est liber homo omnibus modo et forma supradictis quibusquidem prelibatus Nicholaus Brown suam libertatem habuit, ut aliter sub sigillo Maioris plenius continetur. Et idem Ricardus tenetur ad omnes exactiones et condiciones quibus predictus Nicholaus Brown ut supra visum est obligatur. In cujus rei testimonium nomen suum presentibus subscripsit die mensis et anno quibus supra.

“[A.D. 1529.]—[6.]—Thomas Moore factus erat liber homo et heredes ejus, in tempore Willielmi Mares, Maioris, ac Thome Linch Fitz Stephin et Ricardi Bodiken, Ballivorum. Postea, omnibus modo et forma sicut Dominicus Brown suam libertatem habuit in omnibus et singulis, ut supra: Oure meaning is that the said Thomas Moore and his heires shall have the liberties of this town as fre as anny man of the same had or hath, within and withoute, in bu[y]ing and selling, acording as the Mayor, Baillivs and Counsaill had gyvin to him and to his heres for ever. Writtin in anno MDXXIX, Matheue Lurcan then beinge jurat Town Clerke. fol. 65.

¹ Immo.

ARCHIVES OF
TOWN OF
GALWAY.

"[1543.] 7.—Memorandum that in the yere of our Lord God MDXLIII. et regni Regis Henrici Octavi xxxvi, then being Mayor of this town, Johnakin Linch Fitz Arture, Edmond Kyrvan and Edmond Bodicken, Bailieffes, Nicholas Coyn and his sonne, Thomas Coyne, with ther heires, was admittid and made ffre men of this town as in b[uy]ing and sellinge, ladinge and transportinge oute of the same and in to the same, acordinge as all others have ther ffre liberties, within and withoute for evermore, pa[y]inge all kind of tax and talladge, with other deuties, accordinge as all other ffre men of this town doth or shall do from tyme to tyme, notwithstandinge they have ther facultie or sience.

"[A.D. 1561.] 8.—Memorandum that in the yere of oure Lord God, 1561, then beinge Maior of this town Nicholas Linch, Nicholas Lynche Fitz John and Marten Lynch Fitz Christofer, Bailieues, Jhamis Laules was restoryd to the ffre liberties of this town acordinge as his cepte¹ was so founde to be ffre men and had liberties of this town, as members of the same Corporacions. Therfor it is ordered by the said Maior, Bailivis and Counsaill, hath gyvin, grauntid, and elected the said Jamys to the liberties and fredome of this town, acordinge as his ancestors have had heretoffor, and that liberties we do gyve to him in as ampull manner as any other person or merchant of this town hath or shall have for ever more perpetuallye.

fol. [7].

"Geffere Lynche, Mayor; Jamys Lynch, and Nicolas Freinch, Baylyvis, in anno 1500."

"1.—Item: In the yere of oure Lord God 1552, then beinge Maior of this town, John Linch Fitz John, Pers Lynch and John Lynch, Baylivis, one Richard Begge was admittid and made freman of the same town with thassente and consente of the said Maior, Baillives and Counsaill, uppon condicion that the said Richard shall from tyme to tyme uphold and keape up for all strangers and other resorts in to this town a comon housse or ynne for victuallinge and lodginge of suche strangers, and also shalle have and use himeselfe honestlie in obeying the Mayor and officers and as well the comon lanes, ordinances and statutes of the same, on payn to lesse the said liberties and fredom. And uppon the above condicions we have gyvin the said Richard ffre liberties as well within as withoute the same town to buy, sell, lade, transporte or bargayn in and oute accordinge and in as ampull manner as every of the same town maye so bargayn and sell withoute any let or vexacion of any man of the same town.

2.—[1500.]—To all men to whom this writtinge comith, the Mayor, Bailieues and Comens of this hir Majesties town of Galwey sendith grettinge in our Lord God everlastinge: Lettinge you to wite that for dyvers consideracions and for erniste respecte that we, the said Mayor, Bailieues and Comens had to the request made by one Andraue Ffallon, on the behalf of his doughter, Julian Fallon, who is married to Donill Oge Ovolloghan of this same town, goldsmith, and for the better relieffe of the said Androwe Ffallon, who is old and impotente, it is condecendid and agreid by us, the said Mayor and Bailivis and combrethern of Galwy, aforesaid, that the said Donill Ovolloghan shalbe acceptid, taken and receivd in to our fredoms, and lik as and accordingly oure priviledges and chartors, had and obtaynid of our suffraynis Kinges of ancient [times]. And by vertu therof we, the said Mayor and Bayleffes, with oure combrethern, have gyvin and grauntid unto the said Donyll fredome and

fre liberties in as ampull and lardg manner as we grauntid to anny other ffreman made by us and by thes presents we do gyve and graunt to the said Donyll his ffre dome and ffreedom and fre liberties as well within this town, as also within and without the fraunchies and fre liberties of the same. And by thes presents the said Doniall shall and may ocupie the trade of merchandice and all manner warres in lading and discharging of his goodes, warres, and merchandice into forayn realmis and from thence to this town of Galwey, and after the transporting of the same to sell the said warres and merchandice and make seallis therof as well by grosse as retaylle, and thus to use the ffreedom and liberties of the same town as all other ffreemen doth without leat or truble of any person or persons, the said Donill answering the Comons acordingly ther costoms acording his vocacion from tyme to tyme. In wittnes whereof we the said Stevn Arture Lynch,¹ Mayor, and ouer Bayllys, Jamis Lynch and Nicholas Frenc[h], with the rest of our Counsaill, have set hereunto our signes.—[Undated.]”

“Robouck Lynche, Mayor; David Kyrvan and John Mares, Baylyvis, fol. [8]. in anno 1501.”

“John Lynche Fitz John, Mayor; Patrick Lynch and Walter Fitz fol. [9]. [Thomas] Lynche, Baylyvis, anno 1502.”

“Edmond Deane, Mayor; Cornell Fallon and William Kyrvan, fol. [10]. Baylyvis, in anno 1503.”²

“Stevne Lynch Fitz Dominick, Mayor; Edmond Athy and Robart fol. [11]. Lynch Fitz Martin, Baylyvis, in anno 1505 :

“Masters :

Petter Lynche,	John Athey,
Dominicke Lynche,	Androue Lynch,
Robocke Lynche Fitz Henry,	John Lynch Fitz Edmond,
Jhamis Lynch Fitz Stevne,	Jamys Lynch Fitz Martin,
Edmond Deane,	Olyver Lynche.—10.

“Statutes :

“1.—Item : It is orderid and statutid for the profitte and common welth of this town of Galwey, by the whole courte with one assent, that is annye oute landish man or enny of the enhabitautes within the fraunchiesse of the same town shall take or cause to be taken anny the enhabitautes of this town either by word or dede, for anye discord, variaunce, hattred or ingerous³ wordes or langauge spokiu, movid or moshioned betwixte anny brother or neighbour of Galwey, so that one neighbour procure for evill will to his neighbour so to be taken as aforesaid, that then he which procurid the said taking, if it be so provid uppon him, shall ramsion⁴ and restore agayn that person so taken by his advice, renderinge to him all such costes, lostes and damages as he shuld sustayne by the said takinge and the reste of all his goods to the prince and officers for the tyme beinge.

“2.—Item : That every man that answerith not the crye or skrimishe at every of the town gattes, at the begining, with his feansabull⁵ weapon, to paie and forfayte xii.d.

“3.—Item : That no householder of this towne be no hostler nor no maynteyner of the comon [w]horsse or hariots, on payn of vi.s. viii.d.

¹ This name appears to have been entered in error, instead of that of Geffere Lynch, who was Mayor in 1500, with the above-named Bailiffs.

² The only entries on leaves [8], [9], and [10], are the headings above given.

³ Injurious.

⁴ Ransom.

⁵ Defensive.

ARCHIVES OF
TOWN OF
GALWAY.

"4.—Item: That there be no sale bread, singill ale, nor honyed alle be mad in towne, but by ffre men. And that not to be done by them without license of the officers for the time being, on payne to forfeite xii.d.

fol. [11b].

"5. [1505.] Omnibus Christi fidelibus, ad quos presentes scriptum pervenerit, Stephanus Lynche Fitz Dominicke, Maior ville Galvie, Edmundus Athi ac Robertus Linch Fitz Marten, ballivi, salutem: Noverit universitas vestra nos, unacum consensu et assensu (*sic*) ad bonum et utilitatem dedisse et concessisse et hoc presenti scripto nostro confirmasse Waltero Marten, ejusdem ville mercatori, suisque heredibus et assignatis imperpetuum, spacium septem pedum in latitudine [et] longitudine a vico predicto ex parte occidentali usque ad murum dicte ville, ex parte orientali, nuper turrim factum de quodam tenemento pertinente ad comunitatem dicte ville et quod, concessione et donacione ejusdem comunitatis, pro annuo censu tenet et possidet Johannes Blake filius Walteri Blake. Ita . . . quod dictus Walterus Marten amoveat edificia ibidem edificata ad proximiorum locum contiguum ipsis septem pedibus ipsaque edificia rehedicabit, restaurabit et reparabit in eo statu quo modo fuit, suis propriis laboribus et expensis et similiter faciet et construct honestam et congruentem viam gradientem ad ascendendum ad dictum murum, ipsosque septem pedes decenter pavabit pro communi servicio at utilitate dicte comunitatis. Et quia dictum tenementum fuit diminutum in spacio dictorum septem pedum, Maior, Ballivi, comburgenses et communitas remiserunt et relaxaverunt dicto Johanni suisque heredibus imperpetuum sex denarios de redditu dicti tenementi. In cujus rei testimonium sigillum nostrum commune presentibus apponi fecimus, datum Galvie, xvi.º die mensis Apprielis, anno regni Regis Henrici VII. xxº, et Domini mº dº vº.—Tempore Mathei Lurcan, Publici Notarii.

fol. [12].

"Thomas Bodikin, Mayor; Richard Deane and Laynard Lynche, Baylyvis, in anno 1506:

"Masters:

Pers Lynche,	Androue Lynche,
Dominicke Lynch Fitz John,	John Lynch Fitz Edmond,
Robouck Lynche,	Jamis Lynch Fitz Martin,
Jamys Lynche,	Olyver Lynche,
Edmond Deane,	Stevne Lynche Fitz Dominicke.—12
John Athy,	(<i>sic</i>). ²

"Statutes [*Blank*]:

fol. [13].

"Artur Lynch, Mayor, Will[i]am Josse and Antony Lynch, Baylyvis, in anno 1507, beinge drowned in falling over the west bridge at St. Kateryne day, the sayd yer, the 25 of November:

"Masters:

Petter Lynch,	John Lynch,
Dominicke Lynch,	Jamys Lynch Fitz Martin,
Rubock Lynch,	Olyver Lynch,
Edmond Deane,	Stevne Lynch Fitz Dominick,
John Athy,	Thomas Bodiken,
Androue Lynche,	Jamis Lynch Fitz Stevne.—12.

¹ The writing in the preceding entry is indistinct and irregular.

² See page 399.

“Statutes :

“1.—Item : That no boucher shall take no cnaye goulle nor skeinhglac (*sic*) oute of no cowe that he sellith, and that they sell no fleshe, whether it be beffe, porke, or motton, and that to be veary good, beffor it be preysed by the officers in the shambles, uppon payne to fforfayte ii.s. sterling.

“2.—Item : That no botte¹ man [nor] dryve man shall not draue nor drinke nether by land nor sea no merchaunte [h]is wyne, he or they that so do to paye for the fillinge of the said wyn whether it be bute, pipe or hoggised.

“3.—Item : That no botte men shall not gyve no merchantes salte to no man or woman, withoute license of the merchante, on payn to lese xii.d.

“Stevne Lynch Fitz Domnick, Mayor ; Richard Lynch and Will[i]am fol. 14. Maryse, Baylyvis, anno 1508 :

“Masters :

Dominick Lynche,	Androue Lynch,
Robucke Lynche,	Jamys Lynche,
John Lynche,	Olyver Lynche,
Edmond Deane,	Jamys Lynch FitzMartin.—10 (<i>sic</i>).
John Athy,	

“Statu[te]s :

“1.—Item : Whatsoever man, woman, or childe, be found foulling the streets or walles ether by night or day to lesse ii.d.

“2.—Item : That every man make cleane befor his door ons² every wick³ And that no donge heape be made uppon the strettes on payn xii.d.

“Stevne Lynch Fitz Jamys, Mayor ; Edmond French and Adam fol. [15]. Faunt, Baylyvis, anno 1509 :

“Masters :

Robuck Lynch,	John Lynche Fitz Martin,
Jamys Lynch,	Olyver Lynche,
John Athy,	Walter Lynch,
Androue Lynch,	Thomas Bodikin.—10 (<i>sic</i>).
John Lynche,	

“Statutes :

“1.—Item : Whatsoever man or woman have any kyne in town shall keape them in ther houssis and clossis, both somer and winter, and if they be found uppon strettes to paye iiii.d.

“2.—Item : That no swyne nor gottes⁴ be kept in town above ffourten dayes on payn of killinge both swyn and gottes, and the owner to aunswer for all such hinderances as they shuld do.

“Jhamys Lynch Fitz Stevn, Mayor ; Will[i]am Kyrvan and Vallyntin fol. 16. Ffrench, Baylevis, anno 1510 :

“Masters :

Robucke Lynch,	John Lynch,
Edmond Deane,	Olyver Lynche,
Stevne Lynch Fitz Dominick,	Walter Lynche,
John Athy,	Thomas Bodikin,
Androue Lynche,	Stevn Lynch Fitz Jamis.—11 (<i>sic</i>).

¹ Boat.² Once.³ Week.⁴ Goats.

ARCHIVES OF
TOWN OF
GALWAY.

“ Statutes :

“ 1.—Item : Whatsoever botteman¹ or maister that receivith mete, drinke and wages for bringe of wode or trovis,² and would convey or bringe to his own use anny of the said wod or trovis, to forfeite iii.*d.*

“ 2.—Item : If the porters do suffer or admitte anny man to bring in wode, troffe,³ or vattill,⁴ but onely with the owners thereof, on payne to forfeite iii.*d.*

“ 3.—Item : That every couper shall gyve towe⁵ toune hopis⁶ for a penye, three pipe hopis for a pennye, thre hoggsedes and barrail hopis for a penye.

“ 4.—Item : That the shore men⁷ or cotteners shall gyve fyve baunlac six seven baunlac of frise for towe pence, eight baunlac nyne baunlac ten baunlac for thre pence.

“ 5.—Item : That the said cotteners shall shore⁸ a dosen for eight pence of brod cloth, and a shore⁹ mantill for tenpence, on payn to forfeite xii.*d.*

fol [17].

“ Jhamys Lynch Fitz Geffere, Mayor; and Steivn French and Nicholas Fitz Arture Lynch, Baylyvis, in anno 1511 :

“ Masters :

Robucke Lynch,
Jamys Lynch Fitz Stevn,
Androue Lynch,
Jamys Lynch Fitz Martin,
Stevn Lynch Fitz Dominick,

Walter Lynch,
Thomas Bodikin,
Stevn Lynch Fitz Jamis,
John Athy.—10 (*sic*).

“ Statutes :

“ 1.—Item : That no butter be sold above a peny apound, and no dearer on payne to lesse xii.*d.* And his body to be put in prison that doth the contrarye.

“ 2.—Item : That all kinde of corne or grayne that comith oute of the same contry to be sold in the market place shall be sold and ratified according the plentines of the yere, and the buyer to pay the clarkes fees and the seller the measure.

“ 3.—Item : Whatsoever man of the town is callid or warnid to queste or sisse¹⁰ and aunswerith not to the same, to forfeite xii.*d.*

“ 4.—Item : That no aliannt nor strangers shalbe loghgers ne in town nor land, nor nothinge of ther goodes be brought a land but to make sellers of ther shipis untill such tyme they be boughte by the towne, on payn to forfeit all ther goodes so brought a land. And that to be devid[ed] as aforsaid.

fol. [18].

“ Jhamys Lynch Fitz Martyn, Mayor, Wyl[i]am Athy and Laurence Bodikin, Baylives, anno 1512 :

“ Masters :

Robuck Lynch,
Jamys Fitz Stevn,
Androwe Lynch Fitz Stevn,
Thomas Bodiken,

Stevn Lynch Fitz Dominick,
Stevn Lynch Fitz Jamys,
Jamys Lynch Fitz Geffre,
Walter Lynche.—9 (*sic*).

¹ Boatman.

^{2, 3} Turf.

⁴ Wattle.

⁵ Two.

⁶ Hoops.

⁷ Shearmen.

^{8, 9} Shear.

¹⁰ Assize.

“ Statutes :

“ 1.—Item : That no corne be burnid nor skorchid within any housse or within this town, for escheuinge the danger of the ffyre, on payne to losse vi.s. viii.d.

“ 2.—Item : That all ydell men and women, whether they be householders or not, that is not able to paie wa[t]ch tax, ne talladge, to be expulshid oute of the town by the officers, on payn to lesse vi.s. viii.d.

“ 3.—Item : That the fishers of the logh bringe to the market three dais in the wicke, and to give an hundrid elles ¹ for towe pence.

“ Walter Lynch Fitz Thomas, Mayor ; Jonock Kyrvan and Jamys fol. [19]. Skeret, Baylyvs, anno 1513 :

“ Masters :

Robuck Lynch,	Thomas Bodikin,
Jamys Lynch Fitz Stevne,	Stevn Lynch Fitz Dominick,
Androue Lynch,	Steven Lynch Fitz Jamys,
Jamys Lynch Fitz Martin,	Jamys Linch Fitz Geffre.—9 (<i>sic</i>).

Statutes :

“ 1. Item : That no honie be brought to town but it be good and merchantable, by overseinge of such as shalbe electid and chossen by the Maior and Counsaill for the time beinge yerlie.

“ 2.—Item : That the Mayor for the tyme beinge shall chosse every yere towe Constables in every quarter of the town to ayd and assiste him to put the said statuts in execucion from tyme to tyme.

“ 3.—Item : It is orderid that every pipe, butt or barayll that ys not in gadge,² to losse the same without any grace.

“ 4.—Item : That no dweller of this towne become suertie for no gent[lemen] of the countrey, ne ramson none of them in such wise the town shuld take any hurte thereby ; and if ther shuld come anny hurte to the town, that then the said surties to answer all such as might come thereby.

“ Stevne Lynche Fitz Walter, Mayor ; Robert Lynch Fitz John and fol. [20]. Edmond Athy, Bailyvis, anno 1514 :

“ Maisters :

Robucke Lynche,	Walter Lynch Fitz Thomas,
Jamys Lynch Fitz Stevn,	Stevn Lynch Fitz Jamys,
Androue Lynch Fitz Stevn,	Jamys Lynch Fitz Geffre.—8 (<i>sic</i>).
Stevn Lynch Fitz Dominick,	

“ Statutes :

“ 1.—Item : It is orderied that none of the town shall by no cattail oute of the contry, but onelye of treue men ; and if ther shuld anny hurte come to the town by meanes of that cattail bought other wyse but of treue men, the bier thereof to make amends the hurtes so sustained by him.

“ 2.—Item : It is orderid that the Maior, Wardian and Bailiefes for the tyme beinge shalbe furst servid of fish and fleshe, both in market and shambles ; and after, every man to be servid, accordinge as they come to b[u]y ther meate. And if any man shuld take from another man his meat, after it fell to him by lotte or calling, he that would so take the meate to lesse the same, and also to fforfaite xii.d.

¹ Eels.² Gauge.

ARCHIVES OF
TOWN OF
GALWAY.

"3.—Item : It is orderid that if anny of this town, free or unfree, shuld go aboard anny shipe wher[e] ther is merchandice to be sold to buy the same, or conveie anny Irish man aboard the same, withoute license of the officers, to forfait such goodes as he or they hath bought and xx.s. and his body to prison.

fol. [21].

Jhamys Lynch Fitz Stevn, Mayor ; John Lynche Fitz Dominick and John Maris, Baillyves, anno 1515 :

" Masters :

Robucke Lynch,
Androue Lynch,
Jamys Lynch,
Stevn Fitz Dominick,

Jamys Lynch,
Stevn Lynch Fitz J.,
Walter Lynch,
Stevn Fitz Walter.—9 (*sic*).

" Statutes :

"1.—Item : It is orderid that if anny freman of this town be arestid or comittid to prisson for any deue¹ debte or accion by him so owinge, he to fynd sufficient surties to be recordid in the Regester-Booke, to save the officers harmles. And also to keape the acostomid liberties of the said courte-housse. To . . . the moste to the crosse (*sic*). And goinge or passinge the said liberties, the said surtie to remayne under crabbe locke, and ther to remayne untill such tyme he laie the dettor ther as he found him or elles to satisfie and contente the creditors of his debetes.

"2.—Item : It is orderid that whatsoever person shuld go oute of the gattes and liberties or fraunchies of the same toun to buy hides or to make bargayn for the same, he that will so do to forfayte the hides so bought by him and also the goodes.

"3.—Item : It is orderid that the Maister of the Spittill-housse and keepers of the Abbaies east and weste shall not take to ther custodie in keapinge no hides nor lyncloth but from ev[e]nsonge tyme fourth unto the next morninge ; and to delyver the same hides and lyncloth to the owners to be brought in to the markete. Otherwise, if they shuld so detayn and keape the said wares, to forfait and paye for every tyme they committinge the same faulte, vi.s. viii.d.

fol. [22].

"Stevne Lynch Fitz Jamys, Mayor ; John Fitz Androwe and Thomas Kyrvan, Baylyvis, anno 1516 :

" Masters :

Robuck Lynch,
Androue Lynch,
Jamys Lynch Fitz Martin,
Stevne Fitz Dominick,

Jamys Lynch,
Walter Lynche,
Stevn Lynch Fitz J.,
Stevn Fitz Walter.—9 (*sic*).

Statutes :

"1.—Item : That every of the statte of this town, when they are warnid to come to the courte-housse, shall sit every man acording his degre and callinge, and also shall were and use ther gouns every principall courte daye in the same courte-housse, on payn to lesse for every of both faultes iiiii.d.

"2.—Item : That no lazer² nor infecte paupers or poore shall come or enter within the town to aske ther allmys, but ther clerke or heade master for the tyme beinge with ther bell, on payn ther clerke or governor to forfayt xii.d.

"3.—Item : That no man of this town shall not lende galley, botte, nor barque, long, small, or great, to no Irishe man, nor yet sell none of

¹ Due.

² Leper.

them, nor no furnitors or necessary to them appertayninge, as pich, canvas, rossen, ropis, bordes, yerne,¹ or yeirne,² or any thinge elles to them belonginge, withoute license of the Mayor and Counsaill for the tyme beinge, on payne to losse and forfayt the said galley, botte, barque, and stuffe, and also an hundred shillinges. And further, if ther shuld chaunce or fortune anny lostes or hinderaunce to come to this towne or eny the enhabitaunce of the same, through the lendingge or sellinge of anny the said vessells, he that so lendith or sellith the same, his body to remayn in prisson untill such tyme he makith amendes of all such hurtes.

“Stevne Fitz Dominick, Major; Gabriell Lynche and Martyn Fitz fol. [23]. John Lynche, Baylyvis, anno 1517:

“Masters :

Robucke Lynche,	Walter Lynch,
Androue Lynch,	Stevn Fitz Jamys,
Jamys Lynch,	Stevn Fitz Walter.—8 (<i>sic</i>).
Jamys Lynch Fitz Martin,	

“Statutes :

“1.—Item : That none of this towne shall gyve ne sell pertylly³ nor openlye to no Irishe, nor none suspectid persons in waye of rebellion, anny invincion, as hand-gounis, callivers, poulder, leade, nor sall-petter, nor yet longe-bouis, crosboues, crosboue stringes, nor yearn⁴ to make the same, nor no kynde of weapon elles, on payn to forfait the same municion and also an hundred shillinges. Likewysse if anny hurte or lostes come to the town through sellinge of the same, he that so sellith it his body to remayn in prisson untill such tyme he makith amendes of such hurtes.

“2.—Item : That every shippe that comith afishinge within the havin of Galwey shall paye half tethes⁵ to the Colladge⁶ of all suche fishe as they shall take within the said havin, yf they take fyre, watter, and service within the said town or havin. Also that every tope man paye xl.s. and every small man xx.s. and iiij.li. of gown-poulder to the town and Corporacion.

“3. Item : It ys orderid for evill dispozed persons, after the election of the Maior a Michalmas daye, that all the stattes and worship[f]ull shall folowe the Mayor to his doore and that no man shall enter in, but such as are bidden, on payn [of] vi.s. viii.d.

“John Bodikin, Mayor; Dominick Dean, and Martin Lynch Fitz fol. [24]. Jamys, Baillyves, anno 1518 :

“Masters :

Jamys Lynch Fitz Stevn,	Stevn Fitz Dominick,
Androue Lynch,	Jamys Fitz Geffre,
Jamys Lynch Fitz Marten,	Stevn Fitz Jamys,
Walter Lynch,	Stevn Fitz Walter.—9 (<i>sic</i>).

“Statutes :

“1.—Item : It is statutid that whatsoever man or woman of this town saye that he will have the town pledge to be made by anny Irish man,

^{1,4} Yarn.

² Iron.

³ Privately.

⁵ Tithes.

⁶ Of St. Nicholas.

ARCHIVES OF
TOWN OF
GALWAY.

for every tyme so sainge, to forfait xii.*d.*, and if anny man shuld bringe anny Irish man to brage or boste uppon the town, to forfait xii.*d.*

"2.—Item : That no man of this town shall [h]oste or receve into ther housis at Christemas, Easter, nor no feaste elles, enny of the Burkes, MacWilliams, the Kellies, nor no cepte elles, withoute license of the Mayor and Counsaill for the tyme beinge, on payn to forffayt v.*li.*

"3.—Item : That no fre man shall departe or leve the town withoute license of the Mayor for the tyme beinge, on payne to paye for every tyme makinge defeaute xx.*s.*

fol. [25].

"Wyll[i]am Martin, Mayor ; Bartholome Faunt and Richard Martin, Baylyvis, in anno 1519 :

"Masters :

Androwe Lynche,	Jamys Lynch Fitz Geffre,
Jamys Lynch Fitz Martin,	Stevn Fitz Jamys,
Walter Lynch,	Stevn Fitz Walter,
Stevn Fitz Dominick,	John Bodikin.—9 (<i>sic</i>).

Statutes :

"1.—Item : It is ordered that if anny man, fre or unfre, be founde by nighte tyme in anny mans housse to have coupillacion or to do with the good mans servante mayd or doughter by waye of advoutery to lesse xx.*s.*

"And also to the good man in whos housse the same person is founde with the said facte or cryme, to lesse so to that good man, xx.*s.*

"2.—Item : If annye man, of what degre soever he be of, shall have to do by copullacion or dede with anny freman or merchandes doughter, conceving or begettinge hir with childe, shall furthewith marye hir, or elles to gyve hir such goodes as shallbe lawfull towards hir prefermente untill another maie.

"3.—Item : That no Irish judge nor lawior shall plede in no mans cause or matter within this our Court, for it agreith not with the Kings lawes, ne yet the Emprors in many placis.

fol. 26.

"Martin Faunt, Mayor ; Richarde Blake and Olyver Ffrench, Baylyvis, in anno 1520 :

"Masters :

Androue Lynche,	Stevn Lynch Fitz J.,
Jamys Lynche,	Stevne Lynch Fitz Walter,
Walter Lynch,	John Bodikin,
Stevn Fitz Dominicke,	William Martin.—10 (<i>sic</i>).
Jamys Lynch Fitz G.,	

Statutes :

"1.—Item : Whatsoever man or woman, being unfre, keape anny cow-hides, salt, fresh or drye, within ther housis or custodye farther or longer than towe nightes, the said hides withoute anny grace to be fforfaytide, and also the good man or woman that keepith the same to forfayte vi.*s.* viii.*d.*

"2.—Item : It is orderid that no preste, moncke, ne shanon (canon), nor frer, shall have no whore ne leman in anye mans housse within this town, and that man which keapith or hostith the said whore or lymon to forfait to the officers so beinge xx.*s.*

"3.—Item : It ys orderid that the wayes of runninge watters and streams within the wallis of this tovn shallbe kept cleane, not (*sic*) make

gotters or pryvies theruppon, which were not acostomide in old tyme as good auncient men did approve by ther booke-oth, nor non to be made without license of the Mayor and Counsaill.

"Anthony Lynch, Mayor; Artor Lynch and Wyllick Lynch, Bailys, fol. 27. in anno 1521 :

"Masters :

Androue Lynch,	Stevn Lynch Fitz G[effere],
Jamys Lynch,	Stevn Lynch Fitz W[alter],
Walter Lynch,	Jamis Lynch,
Stevn Lynch,	John Bodikin,
Jamys Lynch,	Will[i]am Martin.—11 (<i>sic</i>). ¹

Statutes :

"1.—Item : It ys orderid and established, and confirmid for ever, that no man shall buld, make or repayre anny straue or tache (thatched) housse, for fear of fyre and burninge, no nigher the town walles then fourtenth fottes, unlesse they be covered with sklattes (slates) and that to be the heades of the strettes, as to saye, the both sides of the great gate, and both sides of the neue toure, and both sides of the litill gattes, excepte both the great stone housses, as Marten and John Lynch [h]is houssis, and also John Cayre [h]ys housse to be exceptid, if he cover the same with sklatts.

"2.—Item : It is orderid that the Mayor for the tyme beinge shall choise and electe towe men every yere for orderinge of such variaunce as shalbe betwixt the merchauntes of the town and others for merchandize in contryversie betwixt them, as in takinge and recevinge of cowe hides.

"3.—Item : Yt it is ordered, for feare and dreade of the pestilence and common diseases, that no man shall go aborde anny shipe or barque withoute license of the Mayor and officers for the tyme beinge, untill further experience be knowin, to bring anny warres or invys, on payne to forfayt iiiis.

"Stevne Lynch Fitz Dominick, Mayor; John French and John fol. [28]. Ffallon, Bailvis, in anno 1522 :

"Masters :

Jamys Lynch Fitz Martin,	John Bodikin,
Walter Lynch,	Will[i]am Martin,
Jamys Lynch Fitz G.,	Martin Faunte,
Stevn Lynch Fitz J.,	Antony Lynch.—10.
Stevne Lynch Fitz W.,	

Statutes :

"1.—Item : It is ordered, statutid and established for ever, that what soever person or persons of this towne, of what degre he or they be of, doth bracke or disobey the Mayor or officers [h]is arestment, to forfayte and losse towe hundrid shillinges, to saye, the one half to the Mayor and officers, and the other half to the comon workes. And his bodie to be put in the lowest prisson, ther to remayne eight and forty hours.

¹ In connexion with the subsequent lists of "Masters," it has not been considered necessary to add indications that the numbers appended to the names are printed as they stand in the MS. The Mayor for the year appears to have been usually included in the computation of the total number of "Masters." See p. 416.

ARCHIVES OF
TOWN OF
GALWAY.

"2.—Item: That no man of this town shall syll ne lend to no outlandish man no kynde of armor, as shorte¹ of maylle, ne skoll,² nor no other complimente armor ne harnies, on payn of xx.s.

"3.—Item: That it ys orderid that no merchaunte of this towne shall not gyve no coumpilmente³ to no man havinge not his fredome, excepte it be maryners; and the said maryners not to retaylle no merchandiz. Also, that no man shalbe made fre unlesse he can specke the Englishe tonge and shave his upper lipe wicklye,⁴ on payn to lose xx.s.

fol. 29.

"Stevne Lynch Fitz Jhamys, Mayor; Thomas Kyrvan and Petter Lynch, Baylyvs, anno 1523:

"Masters:

Stevn Lynch Fitz D.,
Jahmis Lynch Fitz M.,
Walter Lynch Fitz T.,
Jamys Lynch Fitz G.,
Stevn Lynch Fitz W.,

John Bodikin,
Will[i]am Martin,
Marten Ffaunte,
Antony Lynch.—10.

Statutes:

"1.—Item: It ys orderid, ennactid and established, that every Mayor for the tyme beinge shall have acompte and reckninge of the costome of the Mayor and Baillyves of the yeres paste, and that within foure wickes next after Sainct Michell, the Archangill. And the next daye foloueing the takeinge of the said acompte, the said Mayor shall take accompte of the Church Proctors, and as well of the Proctors of the Graye Ffreres yerlye, on payn to losse ther wages. Further, the Mayor for the tyme beinge and the Mayor choiesen for the next yere, with such of ther Counsaill as they shall appoynte, shall four or fyve dayes befor Michalmas yerly take and receive the accompte of the subsyde of the receivers thereof.

"2.—Item: It is ordered that no town dweller shall meddell nor interrupte nor occupie no mans occupacion or sience, on payn of forfaiteing of xii.d., but only his own sienc, and also to forfeyte and losse all such parcell of worke that is found within his housse contrary to his own occupacion, excepte foure coupells in every quarter appoyntid for common vittlers and hostlers by the officers for tyme beinge.—xiid.

fol. 30.

"Adame Faunt, Mayor; Richarde Faunte and Ambrose Lynch Fitz Jhamys, Baillyvs, anno 1524:

"Masters:

Stevn Lynch Fitz J.,
Walter Lynch Fitz T.,
Stevne Lynch Fitz D.,
Jahmis Lynch Fitz G.,
Stevn Lynch Fitz W.,

John Bodykin,
Will[i]am Martin,
Marten Ffaunte,
Antony Lynch.—10.

Statutes:

"1.—Item: It is orderid and established for the comonnwelth of this town that whatsoever maue of the same buy or bargayn anny goodes or merchandiz of any strange shipe merchant or maryners withoute lycense of the Mayor and officers, he or they that so doth to forfeyte towne hundrid shillinges, with as much wares as he had boughte, notwithstandinge he or they to satisfie and content the stranger or merchaunte

¹ Shirt.

² Kind of helmet.

³ Partnership.

⁴ Weekly.

acordinge his bargayn or promisse for the same wares. And further, it is orderid that if any man engrosse or profer more to anny man or stranger for his wares then the Mayor and Counsaill did offer or profer to him for the utilitie of this towne, he or they that so would do, they to paye withoute any grace or remedy one hundrid shillinges, to be devidid into thre parties, the one parte to the Mayor and officers, the second part to the common workes, and the thirde parte to the repayracon of the church.

"2.—Item: It ys ordered and established that whatsoever man of this town doth conducte or leade any shipe or shippis oute of this porte or havin, commyng ther uppon thir own head and venture, pertayning to no man of the same perticullarly, withoute license of the officers, into any other porte or cricke, to forfaite and paye, without any grace, forty poundes, and also what pilote or lodeman of the same town doth conducte or leade the same, he himself to forfayt in like manner forty shillinges withoute any remedye.

"Will[i]am Martin, Mayor; Walter Linch Fitz John and Henrye fol. 31.
Jose, Baillys, in anno 1525:

"Masters:

Stevn Lynch Fitz J.,	John Bodikin,
Stevne Lynch Fitz D.,	Marten Faunt,
Jamys Linch Fitz G.,	Antony Lynch,
Stevne Lynch Fitz W.,	Adame Faunte.—9.

"Statutes:

"1.—Item: It ys orderied for the commonwelth of this town that if any man of the same do lade or freight anny Irish galley, barque or botte, to this town, wherby the town shuld sustayn any hinderaunce or lostes by the same galley, botte, or barque, comynge, goinge, or duringe ther remaininge here, or within towe days after ther departinge oute of this porte or havin, he or they that so bringith or frightith them to make restorraunce and amendes (*sic.*) so done during that viadage by them, withoute remedy or grace.

"2.—Item: It is ordered, by the wholle assent of the Counsaill, that whatsoever person or persons speackith anny yngerous and sclanderous worde or checke to the Mayor, to forfaite an hundrid shillinges, and his body to be put in prisson. Likewise, if any man shulde saye any sclanderous worde to the Baylevis, to forfaite fiftye shillinges. Also, if anny man shuld misuse or sclander by wordes anny of thos that hath bene Mayors, to forfaite to them xxvi.s. viii.d. And if any man shuld sclander or cheke these that hath bene Bailieves, to forfite to them xiii.s. iiiii.d. And if anny bachler shuld sclander an other bachler, to forfayte to, him vi.s. viii.d. And if unmarried and yonge men shuld sclander one another, to forfayte and paye iii.s. iiiii.d.

"Stevne Lynch Fitz Jhamys, Mayor; Marcus French and Thomas fol. 32.
Blake, Baylyvis, in anno 1526:

"Masters:

Stevn [Lynch] Fitz D.,	Will[i]am Marten,
Jamys Lynch Fitz G.,	Marten Ffaunte,
Stevne Fitz W.,	Anthony Lynch.—8.
John Bodiken,	

Statutes:

1.—"Item: It is ordered and established that no carpender nor masson shall not have for his hyre and wages but ii.d. naturallie every daye, with meate and drinke. And that no carpender nor masson shall have no

ARCHIVES OF
TOWN OF
GALWAY.
—

workeman but that which shall be a full workeman in that sience. And if he be no good workeman, they to have accordinge as the master of that occupation shall adward for the tyme being. And also that no masson nor carpender shall have no meate on hollye dayes on thos [for] whom he workith, onlesse he be hired for a certayn season, as quarter, half-quarter, or suche like ; he or they that would not be obedient to this acte and statut, soe forfayt ii.s.

“2.—Item : It is ordered and statutid that every man or woman which makith aquavitie, honied alle¹ [or] singill alle to be ratified and sold, to paye the accostomid ratte² to the silver boxe.

“3.—Item : It is ordered by the assente of the wholle Counsaill that if anny man or woman make deffaute within the same town and will not abyde the judgmente and order of the Mayor and Counsaill, but will convey him oute of the town under any Irishman [h]is salfe garde or winges, wherby he might procure the lostes and hinderaunce of the town to be done by his advice and procurement ; and if so be that he maye be founde ever after in this towne, to be staied untill such tyme he make amendes for the same lostes, and also to fynd sufficient surties never to departe nor do the like faulte or cryme for ever after.

fol. 33.

“Wyll[i]ame Maries, Mayor ; Richard Bodikin and Thomas Lynche Fitz Stevn, Baillyvis, anno 1527 :

“Masters :

Stevn Lynch Fitz D.,
Stevne Fitz J. Lynch,
Jamys Lynch Fitz G.,
Stevn Lynch Fitz W.,

John Bodiken,
Will[i]am Marten,
Marten Ffaunt,
Antony Lynch.—9.

Statutes :

“1.—Item : Yt ys ordered, enactid and statutid that what so ever man is found, of what degre or condicion so ever he be of, plainge at choyttes³ or stonis but onely to shute in longe bowes, shorte crosbowes and hurlinge of dartes or speres, to lesse at every tyme so founde in doinge the same viii.d., and also at no tyme to use ne occupye the horlinge of the litill balle with hockie stickes or staves, nor use no hande ball to playe without the walles, but onely the great foote balle, on payn of the paynis above lymittid.

“2.—Item : It ys ordered and established that from henchforth there shall be no more spent at the denner at the daye the acompte of the custome ys mad and recevid but vi.s. viii.d. and that there goeth none with the Mayor to that denner but the xii. Aldermen and such as shall be asistinge the Mayor with such other honneste men of his Counsayllers as hath bene officers.

“3.—Item : It is orderid and established for the common welth of this town that no person shall not seue⁴ ne looke nor yet aske anny of the common landes of this town within ne wythoute, nor yet the Counsaill or commens maye not gyve ne graunte the same to no man, unlesse it be for a yerly rent, stipend, or proffite for the comon welth and workes of the same town.

fol. [34].

“John Lynch Fitz Androw, Mayor ; Richard Kirvane and Johnockyne Lynch, Baylyvis, anno 1528 :

¹ Ale.

² Rate.

³ Quoits.

⁴ Sue.

“Masters :

Stevne Lynch Fitz. D.,	Will[i]am Martin,
Stevn Lynch Fitz. J.,	Marten Ffaunte,
Jamys Lynch Fitz. G.,	Antony Lynch,
Stevn Lynch Fitz. W.,	Will[i]am Mares.—10.
John Bodiken,	

Statutes :

“1.—Item : It ys orderied and ennactid that what soever person or persons of this towne buy anny tethes¹ beinge in contryversie and vary-
aunce, wherby anny man of this town shuld take lostes or hinderaunce
therby, he or they that bieth the same tethes shall save, dischardge and
keape harmles that person so beinge hurte or hinderid by meanes of that
tethes so bought by him ; and also shall paye and contente both parties
for the said tethes, in escheuinge the truble or hurtes that might enseue
to this town or enhabitauntes thereof for the byinge of the same teithes
and especiallie the thethes² of Knockmoye.³

“2.—Item : It is orderied and enactid that no boucher of this town
shall not sell no hide to no stranger but onely to ffre men of the same.
And that the Bailiefe shall not priese⁴ no flesh in the shamblis as beffe,
unlesse he can get a tikit or bill of the merchandes hand with the
boucher to whom he had sold the same, on payne to forfaite hide or
beffe.

“3.—Item : It ys ordered that in what housse, shope or seller⁵ ther be
founde players at cardes, dyce, tabulles, nor no other unlawfull gamys for
monye, by younge men and specialle by prentisys nor Irishe men, on
payn to lose that some or quautit of such monye as they playe for.
And also the housse, seller, or shope wherin they playe to paye, excepte
it be for meate and drink, and the same to be done by honeste men for
recreacion,—xx.s.

[1530.]—The iiiith daye of Maye the raigne of King Henry the Eight fol. [34b].
xxii, and of our Lord God m^o d^o xxx^o, Will[i]am Marten of Galwey,
merchant, came and aperid in the Courte housse of this town, the daye
and yere above written, and then desired of the Courte and Comens
Thomas Marten [h]is saut,⁶ the which saut was jugid uppon the town by
Pers Lynch for the towne [h]ys parte and by McKigan⁷ for the country
[h]is parte, in so much that it was condessendid by the said Courte and
Comens to relax to the said Will[i]am Marten, as heyre to Thomas, of
the rent that he owith of the tennement to the Comens yerlye iii.s. iiiii.d.,
as mor playner it apperith in a payr of indenturs betwixt the said
Will[i]am and Comeus, the which relaxion was gyvin to Will[i]am in
recompenc of the slaght⁸ and saut of Thomas Marten, and the said
Will[i]am and his heyres by thes presentes make the said town and
Commens quite and clere for ever as touchinge the said slaght and saut.
Writtin at Galwy, the daye and yer abovsayd, by Matheue Lurcan.

“Richarde Lynch, Mayor ; Edmonde Lynch and Frances Blake, fol. 35.
Bailevis, anno 1529 :

“Masters :

Stevne Lynch Fitz. D.,	Will[i]am Marten,
Stevne Lynche Fitz. J.,	Marten Ffaunte,
Jamys Lynch Fitz. G.,	Antony Lynch,
Stevne Lynch Fitz. W.,	Will[i]am Mares.—10.
John Bodikin,	

^{1, 2} Tithes
⁵ Cellar.

³ In county of Galway.

⁴ Appraise.

⁶ Ransom for murder or manslaughter.

⁷ Mac Egan, of the family of Brehons, or Irish jurists, of that name. ⁸ Slaughter.

ARCHIVES OF
TOWN OF
GALWAY.

Statutes :

"1.—Item : It ys statutid that no stayres be made uppon the common strettes, on payne to brecke and ouer throwe them doune.

"2.—Item : That no dwellers of this town, beinge not ffre in the same, shall not sell no frische mantills, lyncloth nor hides to no alyaunte nor stranger, on payn to lesse and forflayte the same warres withoute any grace.

"3.—Item : That no man, woman, ne child shall not enter or go within anny mans bottes, except ther own, to buy or engrosse the fishe, but suffer them to bringe the same to the comon shamblis ther to be sold, on payne of two shillings.

"4.—Item : It is orderid and statutid by the assente of the wholle Courte, that what so ever man of the contry will or shall spoyli, robbe or wounde eny enhabitaunc of this town ether by lande or watter, shall have no reschue nor pryviledge in no mans housse within this town for such a fault so committid, unlesse it be only for deue debte.

fol. 36.

"Jhonock Kirvane, Mayor; Marcus Lynch and Stevne Lynch Fitz Artor, Bailevis, anno 1530 :

"Masters :

Stevne Fitz Dominick,	Will[i]am Marten,
Stevn Lynch Fitz J.,	Marten Ffaunt,
Jamys Lynch Fitz G.,	Antonye Lynch,
Stevn Lynch Fitz W.,	Will[i]am Mares,
John Bodiken,	Richard Lynch.—10.

"Statutes :

"1.—Item : It ys orderid and established that no man, of what degre so ever he or they be of, shall not till nor erre¹ none of the comon grounde, on payn to lesse so much as he or they do till. And also vi.s. viii.d.

"2.—Item : It is statutid with one assent that no hankes be comprehendid for merchandice of anny contry that is bounde to anny man of this towne, but it is lafull to every man to whom he will withoute any impedimente or contradiction of him that hath the contrye bounde to him.

"3.—Item : It ys orderid that what so ever preste or vicare of the Colladge² of the town be founde with enny faulte or creyme, or oppenly knouin by him, to lesse to the officers one hundrid shillings, and also to lesse ther benefice. And also if he or they keape anny whore, beinge with child or bearinge children, to paye the above penaltie.

fol. 37.

"Jhamis Skeret, Mayor; Walter Skeret and John Lynch Fitz John, Baylevis, in anno 1531 :

"Masters :

Stevn Lynche Fitz J.,	Richard Lynch,
Stevn Lynch Fitz W.,	Will[i]am Mares,
John Bodiken,	Antonye Lynch,
Will[i]am Marten,	Johnocke Kyrvane.—10.
Marten Faunte,	

Statutes :

"1.—Item : It is ordered, enactid and established, that whatsoever preste or vicare of the Colladge³ shuld enter or come into anny mans housse uppon

¹ Plough.

^{2, 3} Of St. Nicholas.

his own head to take a pledge for his mortuarye,¹ befor the corpus or corce be berried, or meadiatly after his buringe, but if the said preste or vicary can not get the same mortuary by fayr means, then he maye compleyne to the officers for the tyme beinge: otherwise, the said preste or vicare that so doth to forfayte and paye xx.s., the Mayor and officers being alway bounde to put the same in execution.

“2.—Item: It ys ordered, enactid and established for ever more that what so ever payne, fforfaites, and penolties doth chaunce to ffall or growe yerlye on thes that breacke or alter the common lawes, statutes and ordinances of this towne, as fare as the said actes and statutes doth extend, shalbe devidid into thre equall parties, to saye, one parte to the Mayor and officers for the tyme being for putinge the same forfaytes and penolties in excecucion, an other parte to be gyvin to the repayracion of Gods housse, the church; the third parte to be gyvin towards the building of the common workes.

“Antonye Lynch, Mayor; Marcus Lynch and Johnock Lynch Fitz fol. 38.
Stevne, Bailevis, anno 1532:

“Masters:

Stevne Lynch Fitz J.,	Will[i]am Mares,
Stevn Lynch Fitz W.,	Johnock Kyrvane,
John Bodiken,	Jhamis Skeret,
Will[i]am Marten,	Richard Lynch.—9.

“Statutes.

“1.—Item: It ys ordered and enacted that no man of this town shall departe or leave the town after the gattes beinge closid or shutte to make or take any mans pledge or paune for his owne accion or debte or for any other, if he be a bachler that so doth to paye xx. s. if he be man that hath bene in office to paye xl. s., if it be a yonge man that so doth for every tyme makinge deffaute to paye and forfayt x. s. withoute license of the officers for tyme beinge.

“2.—Item: It is ordered and statutid, with one assente, that no man of this town, of what degre so ever he be of, shall have no more liberties, priviledges to buy and sell in no country porte nor havin, ne yet cricke,² to keape oute his neighbour from bynge and selling ther, but that every man maye have his course, trade and ocup[y]inge in all places throughout this provence withoute truble or contradiction of any other of the same, on payn to forfayte for so doinge v. *li*.

“3.—Item: Yt ys ordered and statutid, for the tranquillite and peace of the enhabitaunc of this town, that whatsoever man or woman shall make any comperacion betwixt lynadge and inadge, or soue³ any varyaunce or discord betwixt them, or yet stire or mocion any discord chaunched heretofor whereby any unquietnes or striffe shuld happen he or they that so shuld do to paye and forfayte an hundrid shillings for every tyme making deffaute.

“Richarde Blake, Mayor; Antony Blake and Thomas Marten, fol. [39]
Baylyvis, in anno 1533:

“Masters:

Stevn Lynch Fitz. J.,	Will[i]am Maries,
Stevne Lynch Fitz. W.,	Richard Lynch,
John Bodiken,	Johnock Kyrvane,
Will[i]am Marten,	Jhamys Skeret.—10.
Antony Lynch,	

¹ Customary offerings on deaths.

² Creek.

³ Sow.

ARCHIVES OF
TOWN OF
GALWAY.

“Statutes :

“1.—Item : It ys orderid and statutid that whatsoever person or persons of this town, of what soever degre he or they be of, doth begyn any striffe, debatte, or quarell with any other within this town, to forfayte and paye ane hundrid shillinges; and if he or they shuld draue oute sword, dagger, or kniffe, the same weapon to be nayllid and pute up in the pillorye; and also to make amendes for all such hurtes, domages, and lostes as he shulde commite or do with the said weapon.

“2.—Item : Yt ys statutid and ordered, with one assente, that any man that boughte his ffrede in this town, that by no wysse nor means his heire or sonns not to be ffre nor have the priuiledges thereof, unlesse yt be grauntid to him and his heyres in ther indenture to be ffre for ever hereafter.

“3.—Item : It ys statutid and ordered that if anny gent[leman] of the country shuld salte or occupie any hides in his own town or castell to be engroste, that he or they of this town that shuld buy or bargayne for the same hides pertly¹ or oppenlye, to forfaite and paye for every tyme so makinge deffaute—xx. *li*.

fol. 40.

“Thomas Kyrvane, Mayor; Christopher Lynch Fitz Stevne, and Will[i]am Lynche, Bailevis, anno 1534 :

“Masters :

Stevn Lynch Fitz. J.,
John Bodiken,
Will[i]am Marten,
Antony Lynch,

Richard Lynch,
Jamys Skeret,
Richard Blake.—8.

“Statutes :

“1.—Item : It ys orderid and statutid, with one assente, that whatsoever merchaunte man of this town bringith anny mans goodes of the same oute of strange landes, that he shall delyver his bill of acompte and reck[n]inge as soon as he comith to that merchaunt to whom he brought the same goodes, on payne to forfayte and losse his attorney and factor-shipe.

“2.²—Item : Yt ys statutid, ordered and established, with one assente, that if any person or persons of this town doth apprehend and take any man or woman withoute the gattes for deue debte and keapith the same debtor within his own housse and custodie it shalbe lafull for him to keape the same dettor until such tyme [as] he be contentid and paide of the same debtes and after to enlargethe the same dettor, notwithstanding that he owith dettes to others, except he owith dettes to thos who was aydinge and assistinge the apprehending and takinge of the same. Further, if the Kinges Bayleffe be present at the takinge of the same dettor, then he must be put in the Kinges gaylle or prisson, ther to remayne to such tyme he make payment to all his creditors; and if ther shuld any hurtes or hendrance come to the town through the takinge of the said person, he or they by whom he was takin to make amendes and aunsver for the same lostes.

fol. 41.

“Rycharde Martene, Maior; Dominick Lynche and Gorge Skeret, Baylyevis, in anno 1536 :

“Masters :

John Bodiken,
Stevn FitzJ. Lynche,
Will[i]am Marten,
Antony Lynch,

Richard Lynch,
Jamys Skeret,
Richard Blake,
Thomas Kyrvan.—9.

¹ Privately.

² Numbered 3 in MS.

“ Statutes :

“1.—Item : [it] is ordered and statutid for the comon welth of this town that what soever woman, of what degre she be, bearinge child shall not make common banckes¹ and great expence as in tyme paste, but shall keap hir accstomid beade duringe hir pleasure withoute anny resorte of comon housse haunters save onely hir frendes such as she liste on payn to forfayte xx. s. And also whatsoever man or woman goeth in to anny such housse asking or seking for meat and drinke unpried or bidden, to paye and forfayte vi. s. viii. d.

“2.—Item : It ys statutid by one assent any man or woman that ys somined by the Mayor or officers to appere in the Courte housse at a certayn daye or tyme, to answer to such accions layd to his chardge, he or they that will not appere personalye, or ellis [else] his attorney, to answeere in the same, to fforfayte and paye vi. s. viii. d.

“3.—Item : It ys ordered and statutid by one assente that no man of the town of Athenrye,² altho he boughte his fredome in thys town, be fre in the same, unlesse he keape house and ffyre, and also to paye all manner costoms, as taxe and talladge, unlesse it be a yonge [man] havinge no housse here nor ther, and the same yonge man bering all chardges as other yong men of this town doth.

“Martine Lynch Fitz J., Maiore ; Patryck Lynch and Nicholas fol. 42.
Lynch Fitz Dominick, Bayliffes, in anno 1537 :

“ Masters :

Stevn Lynch Fitz. J.,	Jamys Skeret,
John Bodiken,	Richard Blake,
Will[i]am Marten,	Thomas Kyrvan,
Antony Linch,	Richard Marten.—9.

“ Statutes :

“1.—Item : It ys ordered and statutid that the Mayor nor Bailieffes maye not gyve self conducte nor pardon to no man owinge dettes to any man of the same to pase and repasse withoute license of the Counsaill and especially of thos to whom thos persons owith debtes.

“2.—Item : It is ordered and statutid that no person ne persons of this town shall sende any meat or drinke to no man that kepith sancturarys in the Abbays easte or weste, fearing to come into the town to paye the debtes ; he or they that so sendith them meat or drynke, to forfaiit the same, and also xx. s.

“3.—Item : Yt ys orderied, statutid and established that none of this town shall not transporte nor lade into other fforren countries flesh, butter, ne tallowe, nor flockes,³ on payn of fforfaytinge of the same. And that all yonge men who have no housse nor ffamillie shall not buy butter, flesh, nor tallowe, but suffer onely the householders to buy and use the same, on payn of forfaytinge such as they buy.

“Jhone Frenche, Mayor ; Nicholas Blake and Will[i]am Skerete, fol. 43.
Baylyvys, in anno 1538 :

“ Masters :

John Bodiken,	Richard Blake,
Will[i]am Marten,	Thomas Kyrvane,
Antonye Lynch,	Richard Marten,
Jhamys Skeret,	Marten Lynch.—9.

¹ Banquets. For somewhat similar regulation at Kilkenny, in 1542, see Second Report of this Commission, 1871, p. 261. ² In county of Galway. ³ Inferior wool.

ARCHIVES OF
TOWN OF
GALWAY.

“ Statutes :

“ 1.—Item : It ys statutid and established that all taxe[s] and taladges for reperacions of the comon workes, that fallith on the ffremen of the town, to be equallie devidid upon all Mayors, Baylyvis, bachlers and yonge men, acording as they and every of them doth receve the proffettes that comith to the town oute of all places as it ys acustomid.

“ 2.—Item : It is ordered and statutid, by the wholl assent, that what so ever shipe is brought to this town by any man of the same particularly or anny shipe that comith here upon hir own adventure and bought by the comens of the same, untill the said shippis be fully satisfied and payd of ther paymentes that no merchaunde of this town shall sell nor bargayne no hides with no stranger un payne to forfait and losse all the hides by him or them so sold or bargaynid for.

“ 3.—Item : It ys ordered and statutid that no person ne persons shall not forstalle engrosse ne stope not lete ¹ anny merchandice to come unto the markete by no ways, on payne to forfayte for so doinge, accordinge as it shal be provid, x. *li*.

“ 4. Item : It ys ordered, edictid, statutid, and established for ever, that whatsoever person or persons, merchant or [mer]chauntes, of this town shall or will make anny bargayn or contract in Spayne, Fraunce or anny other landes for wyne, salt, yerne or anny other kynd of warrs ² shall afor he put the said shipe or warres so brought by him or them to this town in booke or costome, fynde to the Mayor and officers of the same sufficient and substantiall surties that he or they shall well and truly contente and pay the stranger of his payment, for the dischargd and credid of the town and enhabitaunce theroff.

fol. 44.

“ Artur Lynch, Mayor ; Androwe Lynch Fitz S. and James Oge Lynche, Baylieffes, in anno 1539, which Androwe Lynch died within one moneth after Michellmasse, whose roome was supplied by one Arthure Freinch Fitz Geoffrey, anno predicto :

“ Masters :

John French,
John Bodiken,
Will[i]am Marten,
Antonye Lynch,

Jamys Skeret,
Richard Blake,
Thomas Kyrvan,
Richard Marten.—9.

“ Statutes :

“ 1.—Item : It ys ordered, enactid, confirmid, and established for ever that no woman might have the election and chosse of the third parte of ther husbandes goodes, or such as they had brought at the tyme of hir marriage, but onely acordinge the Kinges lawis used in the realme of England and Irland, as to saye, the third parte only of hir husbandes goodes at his deceasse.

“ 2.—Item : It is orderied, statutid, and established, that any unfre man of this town that sellith any corne, beare or other victaylls to any Spaynards, French men, or other florayne strangers, shall paye the custome for the same, as to saye, for bussheil of wheat fyve grottes, and for a botte of bere forty pence ; and the same to be to agment the custome Fre men to be exceptid of this costum.

fol. 45.

“ Domynicke Lynch Fitz J., Mayor ; Ambrose Lynch and George Lynch Fitz Walter, Baylieffes, in anno 1540 :

¹ Hinder.

² Wares.

“ Masters :

John Bodiken,	Thomas Kyrvan,
Will[i]am Marten,	Richard Marten,
Antonye Lynch,	Marten Lynch,
Jhamys Skeret,	John French.—10.
Richard Blake,	

“ Statutes :

“ 1.—Item : It ys ordered and statudid that the Mayor nor officers for the tyme being shall not comaunde nor send none of the enhabitaunc of this town out of the liberties or ffraunchies therof to gyd nor conduct no Irish men to come for to parlle within this town with no man, unless it be for the common welth or other urgente caussis and all ways those that are sent to be at the coste and chardges of that man they bringe with them, whether they go by botte or lande.

“ 2.—Item : Yt ys ordered, enactid- and statutid that no person not persons who was in office or beinge in office or other wysse shall not detayne nor keape any thinge of the comon rente for such arerages or debtes that the costome owith to any of them, but shall dulye paye the same comon rente without any truble or contradiccion, and they to stand to the costome of their own goodes so ladden uppon their own adventurs from tyme to tyme until they be satisfied and contentid.

“ Thomas Lynche Fitz Stephen, Mayor ; Peter French Fitz Waden, fol. 46. and Jhamis Kervicke, Bayliefes, anno 1541 :

“ Masters :

Dominicke Lynch Fitz J.,	Richard Blake,
John Bodiken,	Thomas Kyrvan,
Will[i]am Marten,	Richard Marten,
Antonye Linch,	Marten Lynch,
Jhamys Skeret,	John Frenche.—11.

“ Statutes :

“ 1.—Item : It is orderid and statutid by the wholle assent that whatsoever kyne or cattayll comith to our gattes easte or weste to be sold beinge a great nowmbre, that no man shall not engrosse nor presume to buy anny of the said cattayll untill such tyme as the fre men and Corporation be fully satisfied of the same cattayll on payn to fforfayte xx.s.

“ 2.—Item : It ys ordered, edictid and statutid by the Counsaill with one assent that no man of what degre so ever he or they be of shall have no priviledges nor respittes in no religyus housse aboute this town to defeate and delaye to come into the town to answer or contente his creditors of such debtes as he or they owinge but xxiiii. houres, and if he or they tary ne longer then that xxiiii. hours, to be taken and arrested ; any other contrary statute to this statute notwithstandinge.

“ Henry Jose, Maior ; Edward French and Patrycke Ffrench, Bay- fol. 47. lieffes, in anno 1542 :

“ Masters :

Thomas Lynch,	Richard Marten,
John Bodiken,	Marten Lynch,
Antonye Lynch,	John French,
Will[i]am Skeret,	Dominicke Lynch,
Richard Blake,	William Marten.—12.
Thomas Kyrvan,	

ARCHIVES OF
TOWN OF
GALWAY.

“ Statute :

“ 1.—Item : It ys ordered, edicted and statutid by the courte with one assente that no person ne persons of this town shall not buy nether sell with no merchauntes of Lymbricke, Corcke, Watterforde, Dublin or other townis or citties, for anny hides, feltry, lyncloth, merchandiz or provicions of fishe, fleshe or butter, he or they that so would bargayn or trafique pertly¹ or oppenly with any such merchauntes aforesaid, and cause the same to be transported by land or sea, unless they come to this town as other strangers and merchants in ships, he or they of this town that sellith any of that merchandiz aforesaid to forfait all that he or they selleth and also xx.*li*. Allso it is ordered if any such strange merchantes bringith with them merssery warres and packes, the said merchantes or strangers ys bounde to bringe the same merssery and packes to the costome housse appoinctid. And if in casse the said merchauntes or strangers should convey or carry anny such wares to pryvat housses shoppis or sellers and not to the costome housse, to forfait all such packes and warres so conveyed by him or them.

fol. 48.

“ Jhonickin Lynch, Maior ; Edmond Kirvane and Edmond Bodiken, Baylieffes, in anno 1543 :

“ Masters :

Henrye Jose,
John Bodiken,
Will[i]am Marten,
Antony Lynch,
Jhamis Skeret,
Richard Blake,

Thomas Kyrvan,
Richard Marten,
Marten Lynch,
John French,
Dominicke Lynch.—11.

“ Statutes :

“ 1.—Item : It [is] orderede, edictid and established, that no artificer nor no man of sienc not ffre in this town shall have no kynd of merchandiz in ther houssis shopis or wyndous to be sold to strangers as lyncloth, ffriesse or hides on payn of forfeytinge the same. And also that no unfre men of the same shalbe brokers or forspeackers ffor anny strangers on payn to forfayte xx.*s*. and his body to remayn in the lowist prison xxiiii. houres withoute anny grace.

fol. 49.

“ Edmond Lynch, Maior ; Will[i]ame Lynch and Thomas Lynche, Baylieffes, in anno 1544 :

“ Masters :

Johnnockin Lynch,
Henry Jose,
John Bodiken,
Will[i]am Marten,
Antony Lynch,
Jhamys Skeret,

Richard Blake,
Thomas Kyrvan,
Richard Marten,
Marten Lynch,
John French,
Dominicke Lynch.—13.

“ Statutes :

“ 1.—Item : It ys ordered, edicted and statutid by the Counsaill, with one assente, that no prestes,² sergantes, leches,³ clerkes, town meassengers or Irishe meassengers, porters, norssys,⁴ childrin, myllers, backers,⁵ sho-

¹ Privately.

² Priests.

³ Physicians.

⁴ Nurses.

⁵ Bakers.

makers, bouchers,¹ or anny others shall not come to no mans housse at Cristemas, Easter or other feastes, to dessyre any offreinges or deuties during the holy days or within xii. days after any the said feastes. And also the firers² of the relygyus houssis to have ther tethe³ bread withoute every mans dore. And for as much as Our Lady[’s]⁴ preste and clereke, seriantes and lecheis must have offeringes in respecte of ther wadges, it ys ordered that the same shalbe gyvin to them in a convenient place ther, as the Mayor and officers shall appoyncte; and if any of thos persons be found goinge to any mans housse to aske thos offeringes to forfayte and paye vi. s. viii. d., and his body to remayn in prison xxiii. hours. And if in casse the Mayor or officers for the tyme beinge shuld gyve leave or lycense to any of thos persons to go aboute, the said officers to forfaite and paye xx. li.

“Steven Lynch Fitz Arture, Mayor; Jhamis Faunt and Walter fol. 51.⁵ Skeret, Baylieffes, in anno 1546 :

“ Masters :

Thomas Blake,	Thomas Kyrvan,
John Bodiken,	Richard Marten,
Will[i]am Marten,	Marten Lynch,
Antonye Linch,	Dominicke Lynch,
Jhamys Skeret,	Johnnockin Lynch.—12.
Richard Blake,	

“ Statutes :

“1.—Item : It ys ordered, edictid, statutid and established by the wholle Courte, with one assente, that the Wardiane and Vicares of the Colladge for the tyme beinge shall not in lease set nor mortissie⁶ any manner landes, teithes, or any other of the revenus, whatsoever they be, belonginge or appertayninge to the Corporacion of the Church and Colladge housse no longer nor for no more tyme then for one wholl yere. And if the Wardian or Vicares for tyme beinge would or shuld enlasse or mortissie any of the said teithes or rev[e]nus save for one yere, he or they so doinge to be expulsid and put oute of the said Church and Colladge and also to forfaite to the common pursse of the same xx. li. And further it ys ordered that if anny the enhabitauntes of this town should bargayn with the said Wardayn or Vicars for anny such teithes or revenus, save onely for one yere, he or they that so doth bargayn with them, to losse that some or soomis so bargaind, and also of his own goodes to the common purse of the same xx. li. This statut agreeth wythe Westmy[n]ster the seconde, xli. chapitre, where suche allienacion is prohybited uppon paine of forfeitour, so that the same retourneth to the founders againe.

“Thomas Kyrvane, Maior; Ambros Lynch and Steven Ffaunte, fol. 52. Baylieffes, in anno 1547 :

“ Masters :

Stevn Lynch Fitz A.,	Richard Marten,
John Bodiken,	Marten Lynch,
Will[i]am Marten,	Edmond Lynch,
Jhamys Skeret,	Johnnickin Lynch,
Richard Blake,	Thomas Blake.—11.

¹ Butchers.

² Friars.

³ Tithe.

⁴ The Blessed Virgin. See regulations at page 386, for the College of St. Nicholas, A.D. 1557.

⁵ Fol. 50, and record for 1545, are not in the MS.

⁶ Mortgage.

ARCHIVES OF
TOWN OF
GALWAY.

Statutes :

" 1.—Item : It ys ordered, edicted and statutid that all suche rodders,¹ bullis² and bevis,³ or other fleshe that anny the merchauntes or enhabitaunce of this town doth buy for warre⁴ or mony, shalbe killid and broughte to the shamils⁵ to be praysed⁶ and devidid uppon the Comens ; and if any the enhabitaunce of this town buy any such flesh or bevis, and under collor or cloke sayth that he sente the same kyn⁷ or caittall to the country, and so killith the same in their houssis, not bringinge the fleash to the market to be praised, but selith the same unwares, he or they that so doth to fforfayt the same flesh, unlesse an honaset man bieth a beffe for urgent cause, and the same man to shewe the cause to the Mayor and Bailiffes.

fol. 53.

" Domynick Lynch Fitz J., Mayor ; John Jose and Dominick Ffrench, Baylieffes, in anno 1548 :

" Masters :

Thomas Kyrvan,
John Bodiken,
Jhamis Skeret,
Richard Marten,
Marten Lynch,

Edmond Lynch,
Johnickin Lynch,
Thomas Blacke,
Stevn Lynch Fitz A.—10.

" Statutes :

" 1.—Item : Yt ys ordered, edicted and statutid, for the utilitie and common welth of this town, that if any gent[leman] by caste or weste take and apprehend any the townis adverssaries who doth spoyll and robe⁸ the Comens of the same of ther provicion and merchandiz by land or sea, and sending that naughty person into this town to answer for such faultes and crymis so comittid by him or them to this town, that, immediatlye uppon that mallefactor [h]is cominge, ther shall a queste⁹ passe on him, and if the queste¹⁰ condemne him to death, the Mayor and officers forthwith shall put that person so condemnid to execucion, withoute anny respecte of grace or favore. And if the officers neglechte to put the same person to execucion, wherby he might make an eskape, the said officers so neglectinge ther deuties to paye and forfait xx. *li.*, and also they to aunswer all hurtes and domages as the sayd fellow commitid afor his take, and such as he would do after his escape to the enhabitaunce of this town.

fol. 54.

" Thomase Marten, Maiore ; Givane Farnt and Jhamys Ffrench, Baillieffes, in anno 1549 :

" Masters :

Dominicke Lynch,
John Bodiken,
Jamys Skeret,
Richard Blake,
Richard Marten,
Marten Lynch,

Henry Jose,
Johnikin Lynch,
Edmond Lynch,
Thomas Blake,
Stevne Fitz A.—12.

" Statutes :

" 1.—Item : It ys ordered, edictid and statutid by the Counsaill with one assent, for sondrye and dyvers inguries and wronges that the

¹ Horned cattle. ² Bulls. ³ Beeves. ⁴ Ware.
⁵ Shambles. ⁶ Appraised. ⁷ Kine. ⁸ Rob. ⁹, ¹⁰ Jury.

ceptes¹ of Clandouze, Clanm^cConchour, Claucaleboy, the Hallorans, Sloughteteggerd, and Flaretis, ther cheffe Captayns doth dayly to the enhabitaunce of this town, that when any of the said ceptes with ther Captains be found in town, or fraunchies of the same, to be taken and arested untill such tyme as he or they so taken make restitution and payment of all suche hurtes and domages as he or anny of his cepte doth to the enhabitaunce of this town from tyme to tyme; and that the Mayor nor officers shall not license nor pardon none of the said ceptes to come or enter within this town withoute licensse of thos to whom they comittid the trespassis or owinge debtes.

“Rycharde Kirvane, Maior; Denyse Kyrvane and David Bodiken, fol. 55. Bailieffes, in anno 1550:

“Masters:

John Bodiken,	Richard Blak,
Thomas Martin,	Henry Jose,
Marten Lynch,	Edmond Lynch,
Jhamys Skeret,	Jhonnikin Lynch,
Richard Marten,	Thomas Blake,
Dominicke Lynch,	Stevn Lynch Fitz A.—13.

“Statute:

“1.—Item, It ys ordered and statutid for a perpetuall statute, that the Mayor for the tyme beinge shall have of the fishers of the Logh or ryver every fishye daye betwixte Michalmas and Hallontid but towe hundrid smalle eilles,² and every of the Bailieffes to have one hundrid; and from Hallontide fourth it is ordered that the Mayor, for the furnishinge of his tabull with fresh fishe, shall have the eleccion of two fishes whom he liste, and every of the Bailivis to have in like a fisher such as they shall choosse to keape ther housse with fishe.

“John Oge Lynche, Mayor; John Lynch and Perse Lynche Fitz fol. 56. Olyver, Bailieffes, in anno 1551:

“Masters:

John Bodiken,	Johnnickin Lynche,
Richard Blake,	Edmond Lynche,
Richard Marten,	Thomas Blacke,
Marten Lynch,	Stevn Fitz Arture,
Dominicke Lynch,	Thomas Martin,
Henry Jose,	Richard Kirvan.—13.

“Statute:

“Item: It is ordered and statutid that no person ne persons of this town shall not convey or bringe into town his neighbours goodes or hides so being stollin or conveyd by anny Irishe man of the cuntry and so being brought in to this town, to cloke and dryve of[f] his neighbour for comynge by knowledg of his goodes in private vessells, as chestes, clevis³ of thirvis,⁴ rushis, or strawe, other⁵ barraylls or any other prevy conveyance, he or they that so be found in conveying of the same goodes, to fforfayt that which he bringith to the officers and as much more to him to whom the goodes did appertayne, withoute any grace.

“Jhonoek Lynche, Fitz S., Mayor; Androwe Brown and Roboeke fol. 57 Lynche, Bailieffes, in anno 1552:

¹ Septs.

² Eels.

³ Baskets.

⁴ Turf.

⁵ Or.

ARCHIVES OF
TOWN OF
GALWAY.

John Bodiken,
Richard Blake,
Marten Lynch,
Dominicke Lynch,
Henry Jose,
Johonockin Lynch,

“Masters :

Edmond Lynch,
Thomas Blake,
Steven Lynch Fitz A.
Richard Kyrvan,
John Lynch Fitz John.—13.

“Statutes :

“1.—Item : Yt ys orderid, edictid and statutid that no person ne persons of this town doth bargayne, covenant or contracte with anny child with- in adge or anny prentice withoute gyvinge knowledge or advertisemente of the same to the child [h]is father or the prentice [h]ys maister or protectors, on payn to lesse and forfaitte for ever all such some or somes gyvin or bargainde withoute any remedy or grace.

“2.—Item : It ys statutid, edictid and orderid that none of the Corpora- tion of this town shall not become suretie for anny the contrey men, nor stand in their deffence in aydinge or assistinge them to plede or seue against anny the enhabitaunce of this town in delaing and defaringe them of their right debtes and deutes, on payn he or they that so would do for every time so doinge to forfayte and paye xx.li., withoute any remedy.

fol. 58.

“Patricke Lynch, Maior ; Anthony French and Dominick Brown, Baylieffes, in anno 1553 :

“Masters :

Richard Blak,
Marten Lynch,
Dominick Lynch,
Edmond Lynch,
Henry Jose,
Jhonickin Lynch,

Thomas Blake,
Stevn Linch Fitz A.,
Thomas Marten,
Richard Kirvan,
Jhon Lynche Fitz S.—12.

“Statute :

“Item : It ys ordered, edictid and statutid, for the common welth of this town and ediffinge and repayracions of oure comon workes and wallis, that every Maior for the tyme beinge shall tabull and vittail towne¹ massons or carpinders in his own housse uppon his or ther proper chardges, the said massons workinge from tyme to tyme uppon the workes of muradge and pavadge. And the said massons to remayne and be at worke from Candilmas to Hallondtide yerly. And also the Bailiefes for the tyme beinge to tabull and vittail two massons upon ther chardges duringe the tyme and manner aforesaid, the town costome always beringe and paynge the ordinary wadges and deutes of the said massons. And the said massons to be so keapte by the said Mayor and Bailieffes in respecte of the acostomid and un ordinate banckes² and feastes gyvin by them at Midsomer Eve³ and Michaelmas daye. And that Mayor or Bailiffes that will do contrary to thys statute, to forfayte and paye to the sayd comon workes withoute any remedy or grace xx.li., sterling.

fol. 59.

“Nicholas Lynch, Fitz St[even], Mayor ; Henry Lynche and David Kyrvan, Baylieffes, in anno 1554 :

“Masters :

Patrick Lynch,
Marten Lynch,
Henry Jose,
Richard Blak,
Dominick Lynch,
Edmond Lynch,

Jhonickin Lynch,
Thomas Blake,
Stevne Fitz A.,
Thomas Marten,
Richard Kyrvan,
John Lynch.—13.

¹ Two.

² Banquets.

³ Eve.

“Statutes :

“Item : It is orderid, edictid and statutid, by the wholle Courte and Counsaill, with one assente, that all such sylver platte as ys pledgid or pute in paune by anny the enhabitaunce of this town or others to any of the same town, and if the said silver platte be one twelmonith and adaye unranesomid or redemid of the owners or his attorney, the creditors shall or maye go and demaunde the said platte to be ranesomid or redemid. And if it be so that he the owner therof will not redeme the same platte fourthwith, or if the creditore can not yeat¹ the owner nor his attorney, the creditor maye by vertu hereof, at the ende of the said twelmonith and adaye, bringe the said platte befor the Mayor ther to be weyed and praysed,² and every ounce therof, if it be good stuffe, to passe in liii. s. sterling the ounce allways, the owner to have the over plus if anny be deue theroff: Provided alwaye that whatsoever platte or silver is lefte or put in paund of the subtedy, it shalbe redemid and ransomid at anny tyme the recever call for it, to the use and urgent causes of this town; otherwysse to be preasid³ as abowe wryttin.

“Nicholas Blake, Maiore; Peter French Fitz J. and Perese Lynch Fitz fol. 60.
John Oge, Bailieffes, in anno 1555 :

“Masters :

Marten Lynche,
Henry Jose,
Dom[in]icke Lynch,
Edmond Lynch,
Thomas Blake,
Jhonickin Lynche,

Stevn Lynche,
Thomas Marten,
Richard Kyrvan,
John Lynche,
Johnock Lynch Fitz S.,
Patrick Lynch.—13.

“Statute :

“Item : It ys ordered, edictid and statutid by the Counsaill, with one assent, for the better peace and tranquillite of this town, that whatsoever person or persons, of what degre he or they be of, will gyve a buffet or bloue to anny Alderman of the same, shall not onely suffer inpriso[n]mente but also pay unto him to whom the buffet is gyvin the some of one hundrid shillings, withoute respecte of grace. And also shall paye to him that was Bailiefe or in office, if he or they would so stricke, fifty shillings. And if anny man shuld stricke or buffet a bachelor, he or they so doinge to forfayte and paye to him or them so strockin fyve and twenty shillings. And if any man shuld buffete or stricke a yonge man unmarried or keapinge no housse, he or they that so strickith to forfaite and paye twellève shillings, vi. d., and not in painge thes forfaytes onely, but he or they that so strickith anny of the forsaid persons shall paye to the officers for the tyme beinge, to be devid[ed] upon the Corporacion as it ys acustomid, an hundrid shillings, tociens quociens.

“Wyll[i]ame Skerete, Mayor; John Blak Fitz R., Marten Frenche, fol. 61.
Bailieffes, in anno 1556 :

“Masters :

Richard Blake,
Marten Lynche,
Dominicke Lynch,
Edmond Lynch,
Thomas Blake,

Johnocke Lynch,
Stevn Lynch Fitz A.,
Thomas Marten,
Richard Kyrvan,
John Lynch Fitz J.—11.

¹ Get.^{2, 3} Appraised.

ARCHIVES OF
TOWN OF
GALWAY.

“Statute :

“1.—Item : It is orderid, with one assent and consente, for to barre and discouradge all such as would pretend wrongfullie to have delite to truble anny one another his neighbour in this town of Galwey, that all them that begynnith any such sute, quarell or demaunde, or that would goo aboute to begille,¹ delaye, or trubull any man aboute or for his neighbours deabtes, boundes, or otherwysse, and that againste him or them sentence shuld passe, either in this Courte or in all others, hir Majesties, within this realme, shall paye, contente, satisfie the partie grevid and wrongid not onely the effect and purporte of any suche sentence but also what costes, lostes, chardges and domadges he sustaynith by the wrongfull execucion as well for the order or sentence as also for the expensis domadges and chardges. We meane that he on whos side sentence be given, be it by order of indifferent men, arbitrement or otherwysse, shall furst of all laye oute the chardges, and alwaies providid that afterwards payment be recovered, and execucion to be made on and uppon the partie that wrongfullie challangid or maynteinid the sute or demaunde as afforsaid.

fol. 62.

“Jhamis Oge Lynch, Maior ; Rycharde Lynch and Walter Lynche, Baylieffes, in anno 1557 :

“Masters :

Will[i]am Skeret,
Richard Blake,
Marten Lynch,
Dominicke Lynch,
Edmond Lynch,
Thomas Blake,

Stevn Lynch Fitz A.,
Thomas Martin,
Richard Kyrvan,
Johnock Lynch Fitz S.,
Jhonickin Lynch.—12.

“Statutes :

“1.—Memorandum : That, wher dyvers the enhabitaunce of this town would detayne the costome or comon rente for suche debtes so oweinge to them uppon this town, it is ordered that no person ne persons of the same shall not keape or detayne no such comon rentes, but shall delyver the same to the Mayor and officers for the repairing of the common workes yerly withoute any contradicion.

“2.—Item : It is ordered, statutid and edictid acordinge oure chartors and liberties of our Kinges and Princes, that ther be no more but twelwe Mayors² and the Mayor for the tyme beinge, so that ther be no more in the wholle but therten, and at what daye acostimed the Comens doth chosse and electe ther Mayor they shall also chosse and electe one of the Bailieffes, such as they thinke fittest to serve the toun ; and the Mayor so chossen by the Comens shall have at his choyse the election and chossinge of another Baileffe, such as shall please him to chosse of his fryndes.

fol. 62b.

Item : Where one Richard Fitz Geffre Blake challangid and claymid befor the Mayor and Counsaill of this town house he ought to have the concurse and oppenyng of the posterne gatte,³ otherwysse callid the gutte, from tyme to tyme as well by nighte as daye, to have his ffishinge bottes to come in and oute, therfor we the said Mayor and Counsaill

¹ Beguile.

² Styled also “Maisters” or Masters, and Mayor's peers or counsellors. See p. 399, and statute under 1569.

³ Gate.

perceavinge and forseinge his clayme and challandge to be very discomodyus and perells¹ to this town to have such a gape or dore so oppenid in suche dangerus tymis, have orderid and edictid that the said gatte or gout shall not be openid wherby anny unconve[n]yance² might groue or come to the same town, ether by night or day, nor no gatte or commen waye elles in or aboute the wallis of the same, but such fishers as be appoyntid to fishe shall go befor the said gattes or goutes be closed or shute forthe to ther ffishinge and so to remayn withoute all night untill the morninge that the said gattes be oppenid.

“Ambrose Lynch Fitz Maartin, Mayor; Dominick Lynch and Richard fol. 63.
Lynch Fitz Patricke, Bayliefes, anno 1558 :

“Masters :

Dominicke Lynch,	Jhon Oge Lynch,
Johnnickin Lynch,	Johnnock Lynch,
Edmond Lynch,	Nicholas Lynch,
Thomas Blake,	Nicholas Blake,
Stevn Lynch Fitz A.,	Will[i]am Skeret,
Thomas Marten,	Marten Lynch.—13.

“Statutes :

“1.—Item: It ys ordered, estatutid and edictid by the Courte[h]is wholl assent that whatsoever Irish man or any other elles that withoute right taketh anny kowe³ or capull⁴ or anny kynd of cattayll from any the enhabitaunce of this town, this same person or persons so takinge any such cattayll withoute righte, he or they not onely to restore the said cattayll in ther former statte, but also with ther encesse, as it is acostomid in the country.

“2.—Item: the above statute was confirmid and rattified by Mr. Denies Kyrvan, then being Mayor, as to saye, the costome and usadge of the contry beinge evidently knouin, the encesse of a kowe to be a great kowe and a small kowe by the yere: therfor it is ordereid by the Mayor and Counsaill that every man that so deteyneth or keape any mans to paye yerly ther for towe kyne and for every capull so taken and detaynid to paye ther for every yere towe capulls with the domadges of ther worke and laboure; and so in like manner acordinge the costome of the country to aunswer and paye for the encesse of all small cattayll accordingly.⁵

“George Lynch Fitz. W., Maior; Peter Lynch and Roboke French, fol. 64.
Baileffes, in anno 1559 :

“Masters :

Richard Blake,	John Oge Lynch,
Marten Lynch,	Nicholas Lynch Fitz St.,
Johnnickin Lynche,	Nicholas Blake,
Thomas Blake,	William Skeret,
Stevn Lynch Fitz A.,	Johnocke Lynch Fitz St.—12.
Thomas Martyn,	

¹ Perilous.

² Inconvenience.

³ Cow.

⁴ Horse.

⁵ For document of A.D. 1558, entered on fol. 5 of Ms., see p. 388.

ARCHIVES OF
TOWN OF
GALWAY.

fol. 65.

“Statutes.” [*Blank.*]

“Stevne Lynch Fitz Artour, Maior; Jhamis Lynch and Nicholas Frenche Fitz Oliver, Bailiefes in anno 1560 :

“Maisters :

Richard Blake,
Marten Lynch,
Johnnickin Lynch,
Thomas Blake,
Thomas Marten,
John Lynch Fitz J.,

Nicholas Lynch,
Nicholas Blake,
William Skeret,
Jhamis Oge Lynch,
George Fitz Walter.—12.

“Statutes.” [*Blank.*]

fol. 66.

“Nicholas Lynch Fitz St., Mayor; Nicolas and Martin Lynches, Bailiefes, in anno 1561 :

“Masters :

Richard Blake,
Marten Lynch,
Johonickin Lynch,
Thomas Blake,
Stevn Lynch,
Thomas Marten,

John Lynch,
Nicholas Blake,
Will[i]am Skeret,
Jamis Og Lynch,
G[e]orge Lynch.—12.

“Statutes.” [*Blank.*]

fol. 67.

“Thomas Blake, Mayor; Patricke Blake, and Walter Blake, Bailiefes, anno 1562 :

“Masters :

Richard Blak,
Marten Lynch,
Jhonickin Linch,
Stevne Lynch,
John Lynch,
Nicholas Blake,

Will[i]am Skeret,
Thomas Marten,
Nicholas Lynch,
Jhamis Og Lynch,
G[e]orge Lynch.—12.

“Statutes.” [*Blank.*]

fol. 68.

“Thomase Martin, Maior; Jhamis Lynch Fitz Artor and Patricke Martin, Bailiefes, anno 1563 :

“Maisters :

Richard Blake,
Marten Lynch,
Jhonickin Linch,
Thomas Blake,
Stevne Lynch,
John Lynch,

Nicholas Lynch,
Nicholas Blake,
William Skeret,
Jamys Lynch,
G[e]orge Lynch.—12.

“Statutes.” [*Blank.*] See p. 385.

“Nicholas Blake, Maior; John Lynch Fitz Thomas and John Fitz Henry Blake, Bailieffes, in anno 1564 :

ARCHIVES OF
TOWN OF
GALWAY.

“Maisters :

fol. 69.

Richard Blake,	Jhon Lynch Fitz J.,
Marten Lynche,	Nicholas Lynch Fitz S.,
Jhonickin Lynch,	Jhamis Lynch Fitz R.,
Thomas Blake,	Will[i]am Skeret,
Stevn Linch, Fitz A.,	G[e]orge Lynch Fitz W.—12.
Thomas Marten,	

“Statutes.” [Blank.]

“Petry Frynch Fitz Vadyn, Maior; Nicholase Lynch and Androwe Mares, Bailieffes, in anno 1565 :

“Masters :

Richard Blake,	Jhamis Lynch,
Martin Lynch,	Nicholas Lynch,
Johonickin Lynch,	Will[i]am Skeret,
Thomas Blake,	John Lynche,
Stevn Fitz Artor,	G[e]orge Lynch.—12.
Thomas Marten,	

“Statutes.” [Blank.]

“Jhamis Kyrvick, Maior; Wil[li]am Martin and Richard Brown, fol. 71. Bailieffes, in anno 1566 :

“Masters :

Marten Lynch, Fitz J.,	Petter French,
Johnuckin Lynch,	Nicholas Lynch Fitz St.,
Thomas Blake,	Will[i]am Skeret,
Stevn Lynch Fitz A.,	Jhamis Lynch,
Thomas Marten,	G[e]orge Fitz W.—11.

“Statutes.” [Blank.]

“Edmonde Kyrvane, Mayor; Jhamis Lynch and Marten Kyrvane fol. 72. Bailieffes, in anno 1567 :

“Maisters :

Jhamis Kyrvak,	Jhamis Lynch,
Jhonuckin Lynch,	G[e]orge Lynch,
Thomas Blake,	Petter French,
Stevn Lynch Fitz A.,	Thomas Marten.—10.
Will[i]am Skeret,	

“Statutes.” [Blank.]

“Dominick Frenche, Mayore; Willicke Lynch and Gorge Ffrenche, fol. 73. Baileffes, in anno 1568 :

“Masters :

Edmonde Kirvane,	Jhamis Lynch,
Jhonickin Lynch,	G[e]orge Lynch,
Thomas Blake,	Petter French,
Stevne Lynch,	Jhamys Kervick.—10.
Thomas Marten,	

ARCHIVES OF
TOWN OF
GALWAY.

fol. 74.

“Statutes.” [Blank.]

“Gyvane Fante, Mayore; Gregory Bodikin, and Valientene Frenche, Bailieffes, in anno 1569 :

“Masters :

Dominicke Ffrench,
Jhonickin Lynch,
Thomas Blake,
Stevne Linch Fitz A.,
Thomas Marten,

Jhamys Lynch,
G[e]orge Lynch,
Petter French,
Jhamis Kervicke,
Edmond Kirvane.—11.

“Statutes :

“Thos persons folouinge was by the twelve Mayors¹ apoyntid for the Mayaraltie, and [they] aswell apoyntid John Martyne as Baillieffe for the town : Furst, Deonise Kerwane, Robuge Linch Fitz Henry, Peyrs Linch Fitz Olyver, and John Lynch Fitz Ed[mond]. Notwithstanding that Androwe Brown, and Domnick Linche was by the sayd Mayor and Mayors peyrs² apoyntid to assossiate the sayd Deonise and Robug tuching the Mayraltie. Yet in the stede of the sayd Androwe and Domnick the wholle Court and Counsaill, according ther auncient custome, have ordered by a statute that the elder in Bayliffs office shall suply hys roume in Mayaraltie. And this statute to be observid and kept from tyme to tyme. Therfor it is orderid that Peyrs Linch Fytz Olyver and John Lynch Fitz Edmond shall stand and assossiate the said Robucke Lynch in office with the said Deonise, during ther tyme acustomied. And so the elder in office to remayn from tyme to tyme. And, touchinge the Bailifshipe or the office therof, it was statutid and ordered that four of the best and eldest bachlers of the town shallbe apoyntid by the Mayor and the twelve Mayors peyrs, which is our discret counsaillors, when they aprobat the Mayor by them set fourth, so that the said Court shall alwayes have the ellection aswell of the persons by the said discret apoyntid for Mayarltie as also shall electe one of the saide four men, by them thought good, as one of the Bailieffes apoyntid for the Commens. Also it is orderid that the sayd Mayor electyd for that next present yere shall presently take next choisse of the sayd four bachlers appoyntyd to be his Bailliffe for that present yere ; and thus to stand from tyme to tyme alwayes. Our meaninge is that our auncient Mayor and Mayors peyrs shall have the aprobacion, and we, the wholle generall court, to have the election. Yevin, ordered and statutyd at Galway aforesaid, the furst of August, 1570.

GYVOON FFANT, Mayor.

fol. 75.

Denyse Kyrvane, Maior; John Martyne and Ambrose Bodiken Baylieffes, anno 1570 :

“Masters :

Gyvane Ffaunte,
Jhonikin Lynch,
Thomas Blake,
Stevn Lynch Fitz A.,
Thomas Marten,
Jhamis Lynch,

G[e]orge Lynche,
Petter Ffrenche,
Jhamis Kervicke,
Edmond Kirvan,
Dominicke Ffrenche.—12.

¹ See statute under A.D. 1557, 416.

² Peers.

“Statutes.” [Blank.]

“Roboucke Lynche, Maior ; Rollande Skerete and Nicholas Ffrenche
Fitz Vadien, Bailieffes, anno 1571 :

ARCHIVES OF
TOWN OF
GALWAY.

fol. 76.

“Masters :

Denies Kirvane,	Petter French,
Jhonicken Lynche,	Jhamis Kervicke,
Thomas Blake,	Edmond Kyrvane,
Stevn Linch, Fitz A.,	Dominicke Ffrenche,
Thomas Marten,	Gyvane Ffaunte.—12.
Jhamis Lynch Fitz R.,	

“Statutes :

“1.—Item : It is ordered with one assent that none the inhabitaunce of this hir Majesties town of Galwey shall not procure, aske, require or take to ffearme to hymself or to his heyres or assignes or to any other person or persons any such hir Majesties revenus growing or issuing out of this towne, to saye, custome, fishinge, gadging, impost, personadge, relygyus housses or any other thing or thinges apertayninge to hir Highnes within the liberties of this town, unlesse he or they be apoynted electid and chossen by the wholle Courte and Counsaill to the same : condissionally all such proffittes, benifite or comodities had or gotten by them to be to the common workes and use of this Corporacion. He or they that would do contrary to this statute to forfait and paye fyve hundrid poundes sterling, toties quoties, and also to forfayte and losse his ffredome and liberties for ever. This statute ys confyrmid by Mr. Perse Lynch then beinge Mayor, 1573.

Perys Lynche, Mayor,	Peter Kyrwan,
Thomas Martyn,	John Blake Fitz Richard,
Domy[n]yk Ffrynche,	Nicholas Lynch,
Robuck Lynche, Mayor,	John Lynch,
Jhon Lynche Fyz Edmond,	James Lynche,
Andrwe Brown,	Martyn Frenche,
Pyter French,	Ambrosse Bodicken,
Jamis Lynche Fitz A.,	Pyter Lynch Fiz Marcus,
James Kerweke,	Perys Lynche,
Denys Kyrwan,	Rychard Brown,
Gywan Font,	William [. . .]. ¹
Domnyck Linche,	Martyne Fytz Cristopher Lynch,
Perys Lynche, Mayor,	Andrew Marys,
Jonykyn Lynch Fitz Pers,	Valentyne Frenche,
Edmond Kyrvan,	Thomas Martin,
James Lynche Fiz Martin,	Dominyk Brown,
Charlys Lynche, Balief,	William Marten.
Olyver Frinche, Balyff,	[. . .]. ²

“Jhone Lynch, Maior ; John Lynch Fitz William and Marcus fol. 77.
Lynch, Baylieffes, in anno 1572 :

“Masters :

Roboucke Linch,	Thomas Blake,
Johnikin Linche,	Stevne Linche,

^{1, 2} Portions of Ms. obliterated.

ARCHIVES OF
TOWN OF
GALWAY.

Thomas Marten,
Jhamis Lynch,
Petter Ffrench,
Jhamis Kervicke,

Edmond Kervanc,
Dominicke Frenche,
Denys Kyrvan,
Gyvane Ffaunte.—13.

“ Statutes :

“ 1.—Item : It ys ordered, statutid, edictid and stablished by the Courte and Counsaill with one mutuall consent and assente for sondry good consideracions, utilitie and common wealth of this town of Galweye, that none thenhabitaunce of the same shall not procure, receave or take unto himself or for anny other persons of what degre he or they be of any such the Quenes Majesties revenus or offices within the liberties or fraunchies of this town. As to saye, to be controllors, receavers, factors or attorneys of the late imposte, cocket or fishinges or anny deuties or tributes apertayninge or in any wyse belonging unto hir Highnes. Also that none of the said enhabitaunce shall procure, demaunde or take on them piertly ¹ or oppenly to be sherieffes, subsheriffes, ceassors,² constabulls or anny other offices apertayninge unto hir Majestie withoute the liberties of thys town throughout the wholle provence of Connaghte, on payn to losse, forfayte and paye fyve hundrid poundes tociens quociens and to lesse his fredome and liberties of the same for ever, unlese he or they be such persons as the wholle Counsaill and Comens shall chosse with one assent, and the benefit or profit had by such offices or revenus to be to the common use of this town.

“ 2.—Item : It is ordered and enactyd by the Court and Counsaill with one wholle assent and consent that whatsoever he be of this town and Corporacion that keepith, detaynith or elokith by fraude, collar or decent any letter or letters to his own privatt gayn or comoditie being so sent or directyd to the Mayor or any other of the Corporacion which might so hender the common welth of the town, he or they that so doth to losse forfait and paye without any respecte of grace, xx. *li*.³

fol. 78.

“ Peyrse Lynch Fitz Olyvver, Mayor ; Charles Lynch Fitz Ulick and Olyver Oge Ffrench, Bayllyffes, in anno 1573 :

“ Masters :

John Lynche Fitz Edmond,
Johnickene Lynche,
Thomas Blake,
Stevne Lynche,
Thomas Martyne,
Petter Frenche,

Jamys Kerwick,
Edmnd Kerwane,
Dominick Ffrenche,
Gyvant Faunt,
Deonise Kerwane,
Robock Lynche.—13.

“ Statutes :

“ Item : In a Gennerall Court holdin at this, hyr Majesties town of Galweye, the xxith of July, it was agred and condissendid by the Mayor and wholle Counsaill that the statute or acte made in Mr. Gyvant Faunt [h]is tyme of Mayraltie [1569] as concerning the election and chossinge of the Mayor and Bailleffes shall be confyrmid, observid and kept from tyme to tyme for ever without any alteration otherwyse than that statute doth specifie, and that for feare of further inconveniency or discord.

“ PERYS LYNCH, Mayor.

“ Item : In a Generall Courte holden at this, hir Majesties towne of Gallway, the fifth of the moneth of Agust, anno 1574, yt is orderede,

¹ privately.

² cessors.

³ Ms. faded.

edictede and perpetuallie estatutede, mutuallie by the wholle asente and consente of all the Mayors [peers], Balifes and brethren assembled in the same, that whatsoever gennerall or common bargaine shalbe made, either presentlie at the haven or frome any countrey to come, that thannciente accustoms of the most number usede in this towne, shall henceforwarde not in this case and pointe extende to chardg any the inhabitauntes of this same any more or otherwise than what part or porcion yt shall please them or any of them thereof to take, yea and confessing the same plainlie beforehande by his and their hand writting. And what manner soever bargaine cometh, whether there be profite thereby or losses, is from tyme to tyme to be devidede onelie emong those that giveth there verdit without that any the rest doe or shall susteine any benefite or domadges in that behalf.

“PERYS LYNCH, Mayor.

“Andrew Browne, Mayor; Anthony Linche Fitz¹ Marchus and fol. 79. Nicholas Kyrwain Fitz² Denis, Ballivis, anno 1574, the xxixth of September :

“Masters :

Pitre Lynch Fitz Oleffeare,	Edmond Kerwane,
Jhonekyn Lynch,	Dominicke Frenche,
Thomas Blake,	Gywende Faunte,
Stephene Lynche,	Denes Kerwane,
Thomas Martine,	Robocke Lynch,
Pieter Ffrench,	Jhone Lynch Fitz Edmonde.—14.
James Kyerwicke,	

“Memorandum : That in the above year the said Mr. Andrew Brown ended his lyf the xiith day of October, at ten of the clock at aftir none, he beinge then in his Meralty office.

“James Kerwyck, Mayor second tyme ; Antony Lynche Fitz Marchus fol. 80. and Nycolas Kerwane Ballyffes, anno 1574, the xii of October, et regni regine nostre, Elyzabethe, xvi^o :

“Masters :

Pieres Lynch Fitz Olewer,	Edmond Kerwane,
Jonickyne Lynch,	Dominicke Ffrench,
Thomas Blake,	Gervene Ffaunth,
Stephen Lynch Fitz Artor,	Denes Kerwane,
Thomas Martyne,	Robick Lynch,
Piter Ffrench,	Jhone Lynch Fitz Edmonde.—12.

“Memorandum : That in a Courte holdene at Galway the xxxi day of October, anno 1574, it was ordered, estatuted and established, for divers good consideraciones, and for the commone wealthe of this towne, Commons and Corporacion, upone payne to los and forfith xxxi pound sterlinge current mony of England to be rered and levied to the commone use, and allso devided and bestowed as other the lik forfeytoures hath beine usede and acustomed hirtofor, reserwinge and alowinge the fourth part only of the said xx.li. to such person or persons that will follow and make this matter good in brengynge lawfull profe the fact to hav beine don contrary and agaynest this out statue viz. that non of the inhabitaunce of Galway, free or onfree, yonge or old, shall not frome this present tyme

^{1, 2} Fitz] Fith. Ms.

ARCHIVES OF
TOWN OF
GALWAY.

fourth, shell¹ any kynd of flesh quicke or dead for mony or for any other kynd of payment to any of the bucheares² of the same towne upone payne of the xx.*li.*, afor lemyted aliso and aswell that non of the bucheares of the same towne upone the paynes befor specsyfyed shall not from hence fourth beye any kynd of fleash quick or dead of any maner mane or womane of Galway, nether of any other person or persones of the country under cullour and upon a condicion to pay by a day certayne sommes of mony, hides, tallow or any other kynd of payment to be mad to any of Galway aforesaid by any maner bargane or cullowr, but all such personnes that ar wyllinge to shyll³ fleash they to send ther fleash frome tyme to tyme to the fleash shammoulles⁴ ther to be sold and bought at the first hand only without to shell or reshyll⁵ it again at the second and third hand as hetherto was used which was a chife occasion and part of the decay and [de] strouction⁶ of the said Commons and Corporacion; and this estatut to be observed and kept from tym to tyme upon the penalty afor lymeted and expresed. Dated at Galway, aforesaid the yeare and day abov writine.

"Memorandum: That in a Gennerall Court holdin the xiiith of March, in the yere above writtin, it ys ordered, established and confyrmid for dyverse and sondrye good occations, quietnes and tranquilitie of thys Corporacion and Comens, that if any person or persons of the same doth hold, occupye and possesse any landes, woodes, meadows, pastures or tenementes beinge in striffe other⁷ variaunces betwixt partye and partye, other kutith wood or underwoodes, eatith ther grasse, [or] maketh troffes upon any the lyke landes in contryversye, he or they that so would do contrary to this statut to paye both parties for the premisses for eshecuinge anye trubull to ensue to any the said Comens through ther default in that behalfe. Gyvin the daye and yere above wrytten.

"JAMES KERWEK, Mayor.

fol. 80b.

"Memorandum: The xiiiith of July, anno 1575, then beinge Maior, Master James Kerwicke; Anthony Linch and Nicholas Kerovane, Bailliffes; one Morchowe McTerriligh McDonill, Chef of his nacion, callid Clan Teige⁸ of Aron, apperid befor us the said Bailliffes and combrethren, requiringe and clayminge to have the auncient custome of connoue and meales due to him and to hys antecessors within this town of Galwaye, to saye, for two dayes and two nightes. And we, the said Mayor, Bailliffes and combrethren, callinge before us auncient old creadible persons to have intelligence and also ther opinion and knouledge whether we were bounde by any promise or graunt to gyve them meat, drinke or lodginge for two dayes and two nightes, as they so claymid and requirid, who did testifie upon ther corporall othes that they never hard of ther parence⁹ nor never saue the said cept¹⁰ of Clayn Teige to have no more within this town but onely two meales; and upon that ther record and testimonye of that old auncient fathers, It is accordid, confirmit and agreid by one mutuall assent of us, the said Mayor, Bailliffes, and Comens that the said cept of Clayn Teige shall

¹, ³ sell. ² butchers. ⁴ shambls. ⁵ re-sell. ⁶ destruction. ⁷ or.

⁸ A branch of the clan of O'Brien. "They were always sovereign lords of the Isles of Aran in the bay of Galway and of Tromra, in the county of Clare, until the reign of Queen Elizabeth, as appears by an address which the Mayor and Sheriffs of Galway wrote in their favour to that Queen, wherein it is mentioned that the Corporation of that city paid them an annual tribute of a certain number of pipes of wine, in consideration of their protection and expenses in guarding the bay and harbour of Galway against pirates and coast plunderers." "Irish-English Dictionary," Paris: 1768. "Connoue," above mentioned, is designated "Coynoue," in State Papers, Ireland, of reign of Henry VIII., and was a form of cess or tax.

⁹ Parents.

¹⁰ Sept.

have no more but that two accustomed meales due to them of aunient [time], the sayd Clayn Teige beinge allwayes bounde to serve, attend and wayt upon us and in our service, as ther antecessors hath bene acostomid from tyme to tyme. Lykwyse the said cept of Clan Teige and their folowers is bounde to gyve the acostomid meales and connoue to all the Comens of Galwaye when and as oft as they shall come or repayr to the illes¹ of Aron.

“Also we, the said Mayor, Bailliffes and Comens doth grant and promise for us and our successors for to be ayders, helpers, maynteyners and assisters of the said Clan Teige to withstand all person and persons that would pretend or go aboute to laye sedge, spoyle or rase the said illandes or castelles of Aron, other in any wyse elles go about for to wronge the said Morehowe or his cept in ther just causes as far fourth as our pouer shall extende or occation shall serve from tyme to tyme upon our own costes and chardges. Yevin in our court house, the daye and yere above writtin, under our signes manuell.— 1575.

“Be it knouin to all men by thes presentes that we, Teig Etrugh, Morehowe Morowe, Conchor McMorchoueyne, Teriligh Meeagh, Teig Mac Terilligh, Dermot Mac Morchoue, Teige Mac Tiriligh Oge, Chonchor McMoyriertigh McBrene, gentlemen of Aron, and Dermot McCormock McConchor of the castell of Trowmor, have made, constitutid and in our place set and ordayne our welbelovid cussin and captain, Morchoue McTeriligh McDonill, our treue and lafull attorney to axe (*sic*), requyre, levy, recover, receve, bargayn, agre, compound and concerte with James Linch Fitz Ambrose of Galway, merchant, for redeming and ramsoning of the Illes of Aren which the said James Linch hath in mortgage and other wyse in pledge, condicionaly that all suche parcelles of the said illandes as he shall so redeme and ramson to be to his the said Teige McMorchoue and to his heys for ever, without exception or contradiccion. Lykwyse we and every of us, the aforesaid persons, standith bounden with our persons, goodes, landes and cattail, movable and unmovable, heys, executors and assignes present and to come, to observe, stand, abyd and fulfill the order gyvin by Charles Cahan Conuers OHernan, Nicholas Cahan and Gillebride McBrodyn, and never for to (*sic*.) against any clause, point or condicion therin prescribid. Yevinge and grauntinge to our said attorney our full power and auctoritie in the premisses to execut, performe, conclude, finishe, seale, accord and acquit letters of acquitaunces and other discharges for us and in our namys which shall be expedint and necessary in all thinges as throughly, holly and suerly as [if] we were present in proper persons and all that all our said attorney shall hapen to do or cause to be done in and for the premises we promise to allowe, performe, rattify and establish the same for ever, and therunto wee stand bounden as aforesaid by thes presentes.

“In wittnes wherof the parties aforwritten willid me, the underwrittine publicus notarius, to writte and regester this our generall especiall commission in this Statute booke of Galwaye aforesaid, for record of the premisses, and to put the Mayraltie seale of office to the originall of our comission bearing date the xiiii of July 1575.

“Memorandum : That wher an order bearinge date the xvth of June, anno 1575, did passe betwixt Morehowe McTeriligh and the reste of the cept of Clan Teige of Aron and James Linche Fitz Ambros of Galwaye, merchant, wherein is amonge other clauses prescribid and specifid that if in case the said cept of Clan Teige had deceased and perished, that he, the said James, shuld be ther sole heyre and possesse Aron and ther [w]holle landes : and also that the said Clan Teige shuld not alienat

fol. [81].

¹ Isles.

ARCHIVES OF
TOWN OF
GALWAY.

immortgadge or put to pledge anny part or parceil of ther landes without the said James [h]is license and consente: Knouin beyt¹ to all men by the mutuall asentens and consentes both of all the said sept and the said James Linch in a Gennerall Assembly, that if in case the said Clan Teige shuld so perish and decease alltogether, that the [w] holle Comens and Corporacion of Galway shall be ther heyrns and possesse the Illes of Aron and all other ther landes: in lyke manner that the said sept of Clan Teige shall not alienat nor ymortgadge no parte or parcell of Aron to no person or persons withoute the consent and licence of the holle Comens and Corporacion of Galwaye, anny poinct, clause or condicion in the said order to the contrary of the premisses in any wise notwithstandinge, but for ever more to stand of no force, vertu nor strenth befor any Judge or Judges in whose presence at any tyme the matter shall requyre onely in that behalf. And for wittnes and credence of trowth the said parties do hereunto set ther signes the xiiith of July anno 1575, et regni Regine nostre, Elizabethæ, xvii^o.

fol. 83².

"Petter French Fytz John, Mayor; Thomas Kerowan Gorge French Fitz Edward, Ballyffes, anno, 1576:

"Masters:

Dominick Brown,
James Kerwick,
Johnicken Lynche,
Stephvn Lynche,
Tomas Marten,
Edmond Kerowan,

Dominick French,
Gyvan Font,
Robuck Lynche,
John Lynch,
Peyrs Lynch.—12.

"Statutes:" [Blank]

fol. 84.

"Peyrs Lynch, Mayor; John Blak and Frannces Marten, Baylyves, in anno 1577:

"Masters:

Petter Ffrench, Fitz John,
Johnicken Lynche,
Stevne Fitz Artur Linch,
James Kerwick,
Edmond Kerowan,
Domnick Ffrench,

Gyvan Ffonnte,
Robuge Lynche,
John Lynch Fitz Edmond,
Peyrs Lynch Fitz Oliffer,
Domnick Brown.—12.

"Statutes:

"Whereas, in a Generall Assembly or Courte holdin within this, her Majesties town of Galwaye the xviith of February, 1577, dyuerse and sondery persons complayned of the great losse they sustayned in this ventadge³ by meanes of those with whom they have sente and trusted their goodes in to Spayne and other forrayne places; and to previnte suche grevous complaints hereafter the Maior, Bailliffes and the reste of the whole Counsell ther assembled have thought good to make a perpetuall statute in forme followinge, videlicet: Memorandum.—In that gennerall Courte so holdin it was ordered, statuted and established for ever by the consent of the Maior, Bailiffes and wholle combrethern and Corporacion that whatsoever attorney or attorneys dyd use aswell in this present ventadge⁴ as hereafter will use any deceit or collusion with any of such

¹ Be it known.

² Fol. 82 is not in the MS. Entries for the year 1575 appear on 80b. and 81, as above and at pp. 424-5.

^{3, 4} Vintage.

as did (or hereafter shall or will) truste hys or their goodes with any person or persons beyond the seas in to any forrayne realme or did or will keape and detainne from the owner or owners any part or parcell of the goodes which he or they the said attornies put in trust withall, be sydes thaccomptance and common atturnishippe, that for every penny which shalbe so detayned and kept by deciet and collusion as afor is said by any such attorney or attorneys, aswell in selling of wares and bestowing thereof as other wyse by what meanes so ever it be, if the falsod and deceit be founde, the sayd attorney or attorneys shall fourthewith withoute any respect of grace for every penny so found as aforesaid to forfayte twelve pence, to saye, therd parte thereof to the owner or owners of the goodes, in respect of his or their bestowing of the therd part towards the repayracion of the churche, and the other parte to be to the officers for tyme beinge in consideracon that they shalbe the more prompte from tyme to tyme put this statute in execucion.

“Dated at our Courte-house, the daye and yere, ut supra, etc.,
A[LEXANDER] D[ERMOT], Publicus Notarius.

“Memorandum.—That in a generall Courte holden by us, Peyrs Lynch fol. 84b.
Fitz John, Mayor of this, her Majestys town of Galwaye, John Blak and Fraunces Marten, Bailliffes, with the rest of the combrethren and Corporacion of the same, the xxviith of May, 1578, yt ys graunted, condiscendyd by us mutually, for the good opynnyn we have in our worshipfull and loving ffrend, Mr. Anthony Fyton,¹ gentleman, and also for the great love and amitie that we gennerally doth beare to hym, that he shall have the ffredome and libertie of our towne, in as lardge and ampull manner as anny of us hathe or hereafter shall have : therefor we do by thes presentes receave and take to us as our deare frend and brother, the said Mr. Anthony, both he and his chyldren of his body legytymat begotten, to be as one of this Corporacion and to be as fre in this town as we or our childrin for ever, and to supply all offices and dignities with us as other our Aldermen doth, the said Mr. Anthony and his childrin being treue and faithfull to the said Corporacion, and to further the commonwealth of the same, and to keape and observe our laudable actes and statutes that shalbe for our common welth, as faras it shall consist in his or their powers, against all men in right : And he and we to dwell together in brotherly love and charitie as good neighbours and townsmen. Also, we, the said Mayor, Bailliffes and Corporacion, with that our combrethren, do for the full establishing of the lege² and amytye befor expressed betwixt us, and sayd Maior and Corporacion of Galwaye, and our said frend and brother, Mr. Anthony Fyton, allowe, establish, rattify and confyrme, as our intyre deede all such articles of agreement as are concluded and agreid upon betwixt the sayd Mr. Anthony, of thone³ partye, and John Martyn, our agent and assigne by commission of our wholle Corporacion in that behalf, of the other partie, as in an indenture bearing datte the xvith of Apriell, or otherwise appeareth. In wyttnes wherof, we caused our Maior, for us and in our names, to sette hereunto our common seale, with this our signe manuell. Dated in our Courte-house the daye and yere, ut supra.

PEYRS LYNCH, Mayor.

¹ Collector and Controller of Impost, Galway, and brother of Sir Edward Fyton President of Connacht. See “Facsimiles of National Mss. of Ireland,” Part IV.—1., p. xxix. London : 1882. Anthony Fyton obtained from Queen Elizabeth a lease of customs, etc. at Galway in 1576.

² league.

³ the one.

ARCHIVES OF
TOWN OF
GALWAY.

fol. 85.

"John Blake Fytz Richard, Mayor, Christofoer Lynch and James Dorsey, Balliffes, anno 1578 :

"Masters :

Peyrs Lynch Fitz John,
Johnick Lynch,
Stephvn Lynch Fitz A.,
James Kerwick,
Edmond Kerowan,
Domnick Frenche,

Gyvant Fonnte,
Robuck Lynche,
John Lynch Fitz Edmond,
Peyrs Lynch Fitz Ollifer,
Domnick Brown,
Peter French Fitz John.—12.

"Statutes :

"Item.—In a gennerall Court holdin at this, her Majesties towne of Galwaye, the iiiith of Marche 1579, it was concludyd and agreyd, with one wholle assente, for a perpetuall statute, that whatsoever merchant or merchantes of eich degre of this Corporacion that shuld make any viadg to Spayne, Fraunche, or other forrayne contrye, having anye kynd of comyssione or auctoritie for bringinge or transportinge any kynd of wyns, whereby any person or persons so bringinge the same by such auctoritie or commission under pretence would saye that he would so bring the one halfe quarter or therd parte in any suche shipp or shippinges coming to Galwaye of ther owne goodes onelye to mark and signe of the said wyns, beinge the beste under their markes, for deceivinge and defraudinge of those their neighbours that shuld so send with them their comissions and auctoritie as aforsayd, and for escheuinge and abolishinge of this abuse commonlye used emonge us, the said Comons and Corporacion, it in noue fyrmly orderyd and agred that from henchfourth no merchaunt nor marchauntes shall not use or practic to enseale or mark any signe or signes uppon anye pipe, bout,¹ or hogged at the byinge thereof in no forren contrye until it be enleyd and devydid at the key of Galwaye acustemyd, accordinge as it shall fall out by lottes, except Tente, Bastard, or other pryncipall and deare wyns. Gyvin under the signe accustomed, the daye and yere, etc.

"Item : It is orderyd and ennacted, the ixth of Marche, above written in a gennerall Courte holden at her Majesties towne of Galwaye that the Maior for tyme beinge shall not gyve nor graunte no certificat to no freman or any other person or persons whatsoever of this Corporacion before the said person demaunding that certificat put in his bill of complaint importing his povertie and losses before [the] gennerall Courte and Counsaill for obtaining and observeinge any protection or other liberties and fredomes to inbarres² and stave his creditors. The Maior or officers so gyvinge and grauntinge the same contrarye this statute, to paye and forfait the debtes in demaund withoute any respecte or grace. Yevin the daye and yere, etc.

"Item : The viiith of Apriell, 1579, it is orderid and ennacted by us, the Maior, Bailliffes and combrethren, in our Gennerall Assemblye, for dyverse considerations and utilitie of common wealth, that no person nor persons who hath bene or is in office, and associating the Maior or Bailliffes for tyme beinge in judgement or order betweixt partye and partye, shall not be received either for surtyshippe,³ liberty, or any other enbaylling or fredome whatsoever. The Maior or Bailliffes receving any of that (*sic.*) his associates and counsallors in this behalf to paye the playntiffes partye of his accion and demaund. Yevin the daye, etc.

ALEXANDER DERMOT, Publicke Notary.

¹ butt.

² embarrass.

³ suretyship. See p. 459.

"Memorandum: That on the first of August, 1579, in a Gennerall Assembly in a Courte holdin at this, her Majesties towne of Galwaye, by the Mayor, Bailliffes and the reste of the brethren in the same assemblid, ther came in question that the statute made in tyme of Mr. Gyvon Fonte [h]is Mairaltie, in the year 1570, for, through and concernynge the election by the Maiors peyrs of the same of certain foure to their discrecion unto Bailliffes office, hath bene hencefourth stand voyd, and onely hencefourth abyd and stand perfected from tyme to tyme in manner and forme following, viz. the said Gennerall Assembly for dyverse good considerations perpetually statutid that the Gennerall Assembly of the combrethen, viz.: the most nounder shall have the choice and election of any one housholder beinge a fre man in the Corporacions behalfe for that yere to be chosen Bailliffe and the Maior for the same yere elected by the said Gennerall Assembly to have the election of the other Bailliffe, being a fre housholder, havinge wherwith in habilitie and alwayes to be of good discrecion and behaviour, as to hys dutie shuld appertayne, and the clause of the Mairaltie always to stand as it is.

"Gyven in our Courte house the daye and yere, ut supra.

JOHN BLAKE, Mayor.—ALEXANDER DERMOT, Notarry Publick.

"Martin Frenche, Mayor; Marcus Lynch Fitz St. and Richarde fol. 86. Butler, Bayllyffes, anno 1579:

"Masters:

John Blak Fitz Richard,
Johnicken Lynch Fitz A.,
James Kerwick,
Edmond Kerowane,
Gyvaunt Ffount,

Robuck Lynche,
Peyrs Lynch Fitz Ollyver,
Domnick Brown,
Peytyr Ffrenche Fitz John,
Peyrs Lynche Fitz John.—11.

"Statutes:

"1.—Item: In a Gennerall Assembly holdin the xxth daye of January 1579 it is orderyd statutyd and perpetually agreyd by the wholle consentes and assentes of the sayd Mayor, Bailliffes and combrethren mutually that no owner, master, marryner, grome, boye or any other that cometh in any shipp or barque do in no manner wyse drawe the merchant or merchants wyns or aquavite withoute the merchant or propriatories of the same [h]is consente, and that any such person or persons being founde cu[l]pable doinge the same shall not onely cause any suche butte or hogsed by them or any of them pearched¹ or drauin to be filled up to the brym of the lyke wyne or aquavitie as the same were, but also to forfayte and paye to the officers for the tyme beinge, the common workes and repayracions of the churche the some² of vi. li., sterling, toties quoties.

"2.—Item: Allso it is orderyd and statutyd in the said Assembly by us the Maior, Bailliffes and combrethren if any of the above named persons be found cullpable to marr wyne or aquavitie either with freshe or salte watter not onely to geve a vessell full of such kynd of good wyne or

¹ pierced.

² sum.

ARCHIVES OF
TOWN OF
GALWAY.

aquavtie, for any suche vessell so marred but also to forfaitte as befor is sayd vi. li. sterling toties quoties.

"3.—Item: It is furder orderyd and estatutyd in the said Assembly by us the Maior, Bailliffes and combretherne if any be founde culpable with the hydinge or steallinge of any merchandize or wares, do not onely restore the thing or thinges so taken or the uppermuste vallue thereof but also to forfaitt the some befor mencioned and that all theas thre statutes is mente to be executed aswell on the persons above nominated as also on the townes bottemen¹ and all others found faultie with the like.

"4.—Item: It is ordered in the above assembly by us, the Maior, Bailliffes, and combrethen, for a gennerall and perpetual statute, that wher mocion was made unto us, that the ladinge of grene and highe tymber theas certaine yeres paste came to so greate scarcitie and dearthe to no small henderaunce of this Corporacion and common wealth of the franchies of the same, wherby greue² such wannte of tymber that it came to such high price that thenhabitaunce and bordorers were not hable to be furnished with their own wanntes. It is, therfor, in that considerations orderyd and statutyd as aforesayd that no kynd of such tymber be ladden or transported oute of this towne to any forren country or reallmis upon payn that the buyer and seller of any such so to be transported shall forfait both the tymber and the pryce therof without that any of our officers may not at any tyme hereafter license any manner man, of what callinge so ever he or they be of, to tranchporte any manner tymber contrary to this statute, on payne of tenn poundes sterling, to be levyd of his or ther landes and goodes to the comen workes, salfe onely fuell of wood for fyre and the present wannte of repayinge of the shippis, barques or boates at our haven and not elleswhere.

fol. 86b.

"Memorandum: That in a Gennerall Courte holden at this, her Majestys towne of Galwaye, on the xvth of May, 1580, mocion hath bene made unto us, the Mayor and bretherne in the same assembled, that manye and sondery gredy, detestable and inordinatly gayns of leving³ of intrestes and cambies⁴ after the rate of a peack of wheate or a good hyd⁵ for the marke⁶ by the yeare hath bene reared⁷ and taken up by all such as lent money, both to the utter ruine and decaye of the publike wealth, and also cleare forgettinge all good concience godly or neighborlye love, but rather in moste contempte of hir Majesties lawes, do by all cullorable practizes and decite under covert use the same. In consideracion whereof and to thend that no such deceit shuld any longer take roote or perfection, yt is therefore perpetually estatutyd by the said Maior, Bailliffes and brethren, that no person or persons of what estate degre so ever he or they be of do at any tyme heareafter the like directly or indirectly piertly⁸ or openly and that the some or sommes so lente by any manner person or persons, other wise then that that is allowed by her Majesties lawes, be altogether forfaycted without any respecte or remedy of grace and the same to be convertyd as heareafter followith, viz., the therd parte to the repayracion of the churche, the therd parte to the common workes, and the other therd parte to the officers for the tyme beinge for puttinge the same in execucion.

"In wittnes whereof the Maior, in the name of the wholle, have hereunto sette his signe, the yeare and daye, ut supra.

"MARTYN FRENCHÉ, Mayor.

¹ boatmen.

² grew.

³ levying.

⁴ exchanges of money.

⁵ hide.

⁶ thirteen shillings and fourpence.

⁷ exacted.

⁸ privately.

“Memorandum: That on the furste of Auguste, 1580, at the electinge and chosinge of officers to the next yeare, as is accustomed, the verdictie for the bringinge in either of Thomas Lynche Fitz James or Marcus Ffrenche dyd so differ that the verdictie of the courte dyd hytte so evne that neiather one nor other had the moste number as in such cases shuld appertayne. In consideracion wherof the wholle courte in gennerall agreyd and gave order that two billes shuld be indifferently put in, and that he of them twayne on whose lotte or chaunche would be to come fyrste furthe to be Bailiefe for the Corporacion for this next yeare, and the other remayninge to be Bailiffe for the Corporacion the next yere ffollowinge the same withoute any exception: the rather for that the courtes meaninge, intende and verdictie at the making of a statute this same daye was twelffemonith that those twayne shuld furste come into the number of Bailliffes before any other. Also yt is agreed and perpetuallie estatutyd by the sayd gennerall Assembly that neither the Mayor for the tyme beinge, nor any Mayors peare, shall have either at the tyme of ellection or for any other cause but the verdictie of one man. Datted, ut supra.

“MARTYN FRENCH, Mayor.

Domynick Linche Fytz John Andru, Mayor; Thomas Linche and fol. [87].
John Skerret, Baylyffes, 1580:

“Masters:

Martine French,
Johnikine Linche,
James Kirwicke,
Edmunde Kirowan,
Gewan Faunte,
Robucke Linche,

Peeres Linche Fitz Olliver,
Domynicke Browne,
Peeter French Fytz Jo.,
Peeter Linche Fytz Jo.,
John Blake Fytz Richarde.

Statutes:

“Memorandum: That on Michellmas day, being the xxixth of September, in anno 1580, in a gennerall Courte, holden at Galway, for the nominacion and placing in office such persons as at the election tyme were thereunto appoynted for the yeare following: It was ordered, estatuted and decreed, upon the earnest sute and requeste of Domynick Lynch Fitz Jhon Androwe, Mayor for that yeare ensueing, aswell for apeasing of all controversies past betwixt Marcus Frinch Fitz Jhon and Thomas Lynch Fitz James, touching the office of Ballivishipp; as also to pacifie, quenche and extinguishe any grudge, anger or envye that may happen betwixt Robart Skerrett and his brother, Jhon Skerrett, for that the said Jhon, by the constitution of his father in lawe, Domynick Lynch, Mayor, was advanced to the office of Ballivishipp for that yeare, his senior brother, Robart, having not supplied that rome before, that the said Marcus Frinch and Robart Skerrett shall have the vocacions, credyt, romes and promociouns of Ballives next after Marcus Lynch Fitz Stiphen and Richard Buttlr, who wer Ballives the former year under Martyne Frinch, Mayor, and that they enjoy the same in as good state and condicion as any other before called to that function. And the said Thomas and Jhon to succeed the said Marcus and Robart in vocation and other offices hereafter, according the ancient custom of the towne and the statute in such a case provided. Dated the day and yeare above wrytten.

“DOMINYCK LYNCH, Mayor.

ARCHIVES OF
TOWN OF
GALWAY.

"Piter Linche Fitz Marcus, Maior; Domynicke Martine [and] Marcus Linche Fitz Pieter, Baylyfes, anno 1581 :

fol. [88].

"Maisters :

Domynyck Linche Fitz Jo.
Andrewe,
Johnikine Linche,
James Kirwicke,
Edmonde Kirwane,
Gewan Faunte,
Robooge Linche,

Pieres Linch Fitz Olliver,
Dominick Browne,
Pieter Frenche Fitz Jo.,
Pieres Linche Fitz Jo.,
John Blake Fitz Richarde,
Martine Frenche.

"Statutes": [Blank.]

fol. [89].¹

"Robooge Frenche Fitz John, Maior; Water [Joyce] and Edmonde Frenche Fitz Robooge, Bayliefes [anno 1582] :

"Maisters :

Pieter Linche Fitz Nickoles,
Johnykin Linche,
James Kirwicke,
Edmonde Kirwane,
Gewan Faunte,
Robooge Linche,
Piers Linche Fitz Olliver,

Domynycke Browne,
Peter Frenche Fitz Jo.,
Pieres Linche Fitz Jo.,
John Blake Fitz Richarde,
Martine Frenche,
Domynycke Linche.

"Memorandum : That on Michailmas day, being the xxixth of September, in anno 158[2, in a] Courte and Counsayll then assembled yt was by the above May[or], [Robooge] French, and the reste of his assocaytes and combrethren, ordred and decreed by somme earneste requeste and moeyon then made, [that] John Linche Fitz Cristofer and Johnykin Linche Fitz Nycholas should afterwards have and enjoy the places, vocations, [and] credytte of Baylyves, nexte after the Baylives which weare for the year [of the] foresaid Robooge Frenches Meraltishippe; and that they and [each of] them shall have, use and enjoy the function and calleynge of Bayl[lives in] as large and ample manner, state and condycion as any other . . . do, which have supplied the said office of Baylyshippe and to . . . and followe in the office of Meraltyskip (yf yt please . . . therunto called) the said Bayllives for the yeare of the s[aid Robooge] Frenches Meraltyskip. Yeoven the day and yeare above [written].

fol. [90].

"Nicholas Frenche, Maior, Anthonye Linche Fitz Thomas and Ollipher Browne, Baylives, in anno Domini, 1583 :

"Maisters :

Robuge Frenche Fitz John,
Johnikin Linche,
James Kirwicke,
Edmunde Kirwan,
Gewan Faunte,
Robuge Linche,
Piers Linch Fitz Olliver,

Dominick Browne,
Pieter Frenche Fitz John,
Piers Linch Fitz John Oge,
John Blake Fitz Richarde,
Martine Frenche,
Dominick Linche,
Pieter Linche.

"Memorandum : That in a Generall Assemblie houlden at this her Majesties towne of Galwey the xx- [day of] Februarie, in the yeare

¹ Portions of [89], and of the five following leaves have been lost through decay.

ef Our Lorde God, 1583, by the Mayor, Bayliefes, burgesses and [combrethren] of the same yt was by them generally ordred and decreede, and for the com[mon] wealth of the same towne perpetuallie estatuted, that no person or persons thereof . . . or of what degree or callinge he or they be of shall not at any tyme from the . . . this presente statute compounde, bargayne nor agreenor yet bringe nor tr[ansport] in any shipp or shippinges of merchant strangers or others any wyne, aqua[vite or] other wares or merchandizes whatsoever, in waye of bargayne for contentement hide . . . onlie for merchantable hydes or soe muche monye as the merchantable hide is . . . worthe by reason that the towne and Corporacion hath bene thes many y[ears] paste greatlie troubled and muche hindered in payment of the said contentement, And for better observation and kepinge of this statute yt was lykwise provided, ordred and estatuted by the said Mayor, Bayliefes, burgesses and combrethren that any person or [persons] of this towne whatsoever offendinge or breakinge the same shall loose forfaite and [pay] the somme of one hondreth poundes sterling to be equallie devyded in three partes to . . . one parte to the common workes, an other to the reparacions of the churche and the [other third] to the officers for the tyme thesame puttinge the same in execucion.

“Yeo[vin] the day and yeare above wrytten.

“NYCOLAS FRYNCHE, Mayor.—LAWRENCE WILSON, [Notary Public].

“Nicholas Linche, Maior, Richarde Martine and [Geffrey Martine,] fol. [91].
Baylives in anno Domini [1584]:

“Maisters :

Nycholas Frenche Fitz Olliver,	Martin French,
Gewan Fauute,	Dominick Linch Fitz Jo.,
Domynyk Browne,	Peeter Linche,
Pieres Linch Fitz Jo. Oge,	Robuck Ffrench.
John Blake Fitz Richard,	

“Congregacio generalis tenta apud Galviam, in Theoloneo ejusdem, Nicholao Linche Fitz Stephani, Maiore v[ille] predictæ, Richardo Martine et Galfrido [Martine] Ballivis ejusdem, ix. die Decembris, anno Domini [1584,] anno regni Reginæ Elizabethæ vicesimo [sexto] :

“Againste transporting of freemens goodes beyond sea.

“In primis : Wheare it was ordayned and agreed, in the tyme of Piers Linche, firste Ma[jor of] this towne in anno 1485, that no merchant of the same, being free, should transporte or [carry] over the seas any goodes that apertayned to unfreemen (as it is termed), upon payne of [forfeiture] of the goodes and the merchant to loose his freedome : It is nowe, for dyvers good [considerations], established and ordayned, by authoritie of this Assemblie, that whatsoever fr[eeman] shall henceforth transporte or convey out of this towne, or out of the franchises [or] liberties of the same, any other goodes then that which shall apertayne unto a free[man], shalbe disfranchised and forfaitt xx. li., sterling.

“That marryners may not convey any unfreemens goodes beyond [seas].

“Item : Whear in the foresaid ordinaunce of anno 1485 yt is apoynted that no maryner or ship[man] should carry or transporte such goodes upon payne of forfaytour of one hondreth shillings [it] is nowe also e[stablished] by authoritie of the said Assemblie that if any maryner, shipman or maister of ship do henceforth shipp or ymbarek to be transported [or]

ARCHIVES OF
TOWN OF
GALWAY.

fol. [91b].

conveyed into any contrie beyonde the seas, the goodes . . .¹
or shall not be free of this Corporacion that maryner
shipman or maister of ship xx.li., sterling.

"[Item:] Whear it was agreed in the tyme of Dominick Linche Fitz John, seconde Maior of this towne, [in] anno 1486, that no person or persons should purchase or sue any manner writte againste [an]y the inhabitantes of tuis towne upone paine to forfayte xx.li., as by the same more [at] large doth and may appeare, it is agreed and ordayned by auctorotie aforessid that no freeman or inhabytaunt of this towne shall henceforth sue arrest or implead any other person or persons of the same by bill, playnte, or otherwyse, in any other Courte or place but in the Tollsill or Courthouse of this towne, [un]till the same suite be here first determyned, upon payne of forfayture of li.; and the plaintiff, beinge a freeman, to loose his freedom. It is not ment herby that the bringinge of a writte of error to revers a judgment geven here . . . shalbe within the compas of this ordinance.

"Item: Whear it was ordayned in the tyme of Stiphen Linche Fitz Dominick, then Maior [of] this towne, in anno 1505, that no house-houlder of thesame should lodge or mayntayne in his howse any harlotte or common hore, upon paine to forfaitte vi.s. viii.d., yt is established by the said anchorytie that if any inhabytaunte of this Corporacion do henceforth aid, comforte, lodge, or mayntayne in his howse or otherwyse any bawdry, harlott or harlottes, that then he or they that [so] offendeth shall forfaiit and loose for every tyme he or they so offend xx.s.

"Item: whear it hath bene established in the tyme of Walter Linch Fitz Thomas, then Maior of this towne, in anno 1513, that the Maior for the tyme beinge shoulde choose two Cunstables, in everie quarter of the towne, to ayde and assiste him, as by the same more at large doth appeare, it is ordayned and agreed that the nowe Maior and all Maiors, his successors, shall henceforth every yeare, before the feast of Christemas, electe and choose two Cunstables, in every warde or quarter of the towne, to be aidinge and assistinge the said Maior and other officers to mentayne the peace, preserve the people in due obedyence and suppress outrages. Everie Maior that neglecteth to choose Cunstables as before, to forfaytte xx.s.

"Item: Whear yt was enacted in tyme of Stephen Lynche Fitz Walter his Meraltie, in anno 1514, that no townsman shoulde buy chattle of any contrieman but of trewe men, and if he did the contrary, then what hurte the towne sustayned therby the buyer to make amends therefore: yt is nowe agreed and established, for thaugmentation of our markett and the better encouragement of her Majesties subjectes to buy or seil therin, that whatsoever chattle any freeman or other inhabitant buyeth in playne and open markett, (without fraude or collusion,) makinge an entrance in the clark of the marketts his booke as . . . chattle as of the seller thereof his name, surname, and buying in suche manner and order shall noe waye

"Touching slanders and abuses.

"Item: Whear it hath bene ordayned in the time of William Martine, Maior [of this] towne, in the yeare 1525, that if any person or persons should speake [any] injurious or sclanderous wordes to the Maior, to forfaite one hondreth [shillings] and his body to be ymprisoned: and for lyke sclanderous speeches uttered of the Baylives, to forfayte fiftie shillings, as by the same may and [doth] more at large appeare, yt is

fol. [92].

¹ MS. decayed: See p. 432.

agreed and established, by author[ytic of] this Assembly, that all the penalties comprysed within the said acte or . . . shalbe henceforth dowbled, and the ymprisonment to be at the discreation [of the] Maior, Bayliefe or other that shall fynde himself greeved at the inj[urious] or selanderous wordes.

“Against drawinge of weapons.

“Item: Whear it is enacted¹ in the tyme of Richard Blake, then Maior of this t[own] in anno 1533, that what soever person or persons of the same do beginne any str[ife], debate or quarrell with any other within the same towne, that he shall fo[rfaite] and pay one hondreth shillinges, and if he shall drawe any weapon, [the] same to be naylled on the pillorie and to make other amendes as [by the] saide acte dothe appeare: Yt is nowe ordayned and agreed by . . . aforesaid that whatsoever person or persons shall vyolate or breake . . . act, that he or they shall be ymprisoned at the discretion of t[he] Maior for the tyme beinge, and if any weapon shalbe drawne in . . . within the towne or ffranchices therof, the same to be fixed . . . (as before) to the pillorie; the forfayture also of the hondreth [shillinges] to remayne and continue in force.

“That the Mayor for the tym beinge have special tokens to sommon men to appeare before him.

“Item: Whear it hath bene established² in the tyme of Richard Martin, Maior of this towne, in anno 1536, that if any man or woman be somoned by the Maior or officers to appeare in the Towllsill or court howse at a certayne day or tyme to answer suche actions laid to his or her charge, he or they that will not apeare personallie or ells his or their attorney to answer in the same, to forfayt and pay *v.s. viii.d.*: It is ordayned and established by the said auctoritie that henceforth the Maior for the tyme beinge shall have small tokens and upon any complainnt unto him he to send one of the said tokens by the complainant unto the partie requiringe him to appeare thereupon, wherof if he fayll then to forfayt *xii.d.*, and after the Mayor to sende a sariant to sommon the said partie, and yf he appeare not upon that summons then to forfaite *v.s. viii.d.*, and the Cunstable to be send to aprehende his body and comytte the same to prison for his disobedyence and contempte, ther to remayne untill the complainant be satisfied.

“That merchaunt adventurers be duly paid.

“Item: Whear it was ordayned³ in the tyme of John Ffrench, Maior of this towne, in anno 1538, that whatsoever ship is brought to this towne by any man of the same particularlie or cometh hither upon their owne adventure and brought by the commons of the same untill the said shipp be fully satisfied and paid of their payment, that noe merchant of this towne shall sell or bargayne no hides with any stranger on payne to forfayte and loose all the hides by them so soulede or bargayned: Yt is agreed and ordered by auctoritie of this Assemblie that no merchant or other inhabitant of this town from henceforth shall during the tyme of any merchant strangers beinge in this to[wne] or harbour attendinge for his or their payment, sell, shewe or profferre to . . . for monnye or otherwyse unto the said stranger [or] strangers or to . . . or their company any hides untill . . . satisfied and fully paid by his . . . so offendinge shall forfayte . . .

¹ See p. 405.

² See p. 407.

³ See p. 408.

ARCHIVES OF
TOWN OF
GALWAY.
—
fol. [92b].

"Item : Whear it was agreed and ordayned¹ in the tyme of James Oige Linche his Meraltie, in the yeare 1557, that whear divers of thinhabitantes of this towne would detayne the costome or common rent for such debtes so owinge unto them upon the same towne that no person or persons should so doe but deliver the same to the magistrate yearlie to the use of the common worckes : It is agreed, established and ordayned by thauctoritie aforesaid that no inhabitant henceforth shall detayne or kepe in his handes or refuse to pay any rent that apertayneth unto this Corporacion but shall pay the same to thofficers apoynted within fiftine daies after Michailmas yearly upon payne to forfaitt xli.s.

"This farr of confirmations and amplifications of ould statutes.

"Hereafter followeth certayne newe ordinances agreed upon at the said Assemblie :

"In primis : Yt is established and ordayned by thauctoritie of the said Assembly that all Maiors from hencforth shall observe and kepe these orders followinge, viz., when he taketh his othe on Mychailmas day he shall geve and minister unto the common officers of this towne an othe for their more faithfull and diligent service and attendance in their offices and charge the yeare followinge ; and upon thadmision of any freeman to the liberties and ffraunchises of this towne, he shall mynister unto suche freeman the oth which shall apertayne to his charge ; which othes are as doth ensue :

"The othe of a Freeman to be taken when he is admytted :

"You shall sweare, by the Holy contents of this Booke, that you shalbe faythfull and trew to God and our Sovereaigne Lady, the Queenes Majestie, her heirs and successours, obaye the magistrates and officers of this towne, maintaine and kepe the lawes and customes of the same, so farr forthe as you shalbe hable. And whatsoever you shall heare, see, perceave or knowe, that may prejudice this Corporacion any way, you shall not conceale but revayle yt as soone as you can to the chief magistrate of the same : and all other thinges apertayneth to a freeman and good member of the common wealth of this towne you shall well and truly observe and kepe. So God you helpe, and by the contentes of this Booke.

"The oth of the Sariantes :

"You and everie of you shall swere by the Holy contentes of this Booke that you shall well and trewlie serve the Maior, Baylives, Burgesses and Commons of this towne of Galwey in the office of Sariantship : You shall not conceale, ne suffer to be concealed, any right or profytte that belongeth to the same towne, but shall lett yt to your power or relate the same to the Mayor of the said towne : Also you shall truly serve the processe of this Courte and . . . the same : You shall sommon your quarters to all manner of assemblies : You shall not . . . comytte the partie arrested to warde excepte . . . [Bay] lives accordinge the usadge of this towne . . . Maior and Baylives and upon this Courte . . . your office. Theis and all . . . shall well and truly kepe.

"The oth of the Cunstables :

"You shall sweare, by that Booke, that you and everie of you well and trullie . . . our Sovereaigne Lady the Queenes Majestie in thoffice of Cunstableshyp of your . . . wardes you shall well and truly governe the people therof in peace . . . preserve and foresee that her Highnes peace be well and truly . . . and kept. Night walkers and disordred persons you shall correct and . . . suppress, and appease frayes, and shall arrest and comytt to prison [all] offenders

¹ See p. 416.

contempninge and breaking her Highnes peace by frayes, bloodshed, or otherwyse. You shall not permytt ne suffer bodely hurte to [be] done to any of her Highnes subjectes to your power, ne suffer no Irish rebell or enemy to abyde within your wardes without apprehendinge [him or] them, or signifyinge the same speedely to the Maior of this to[wne]. You shall further see that every inhabytant of you severall wardes have . . . billes,¹ armour, and defencible arraies, accordinge the statutes in that [behalf] provided. Theis and all other thinges apertayninge to the office of Cunstableshyp you shall well and trulie execute and do to your powers. So God [you] helpe, and by the contentes of that Booke.

“ The othe of the Porters :

“ You shall sweare, by that Booke, that you and everie of you shalbe faithfull and trew [to] our Sovereigne Lady the Queenes Majestie to the Mayor, Baylives, Burgesses, and . . . of this towne, and shall observe and kepe all such charge as shalbe g[iven] unto you by the magistrates of the same. You shall not conceale nor hide any arrestes done within this towne, nor enlarge of your selves any that shalbe arrested. You shall take no extortious fees of any person or persons, nor any other duty or fee but such as hath bene accustomed and allowed unto you. Thes and all other thinges apertayninge to the office and charge of Porter you shall well and truly kepe and observe. So helpe y[ou] God and by the contentes of that Booke.

“ It is lykewyse established and ordayned, by thauctorite aforesaid, that when the newe Maior hath taken his oth, all the keyes of the towne gattes shalbe delivered unto him by the keepers therof, that he may restore them againe to the said keepers or to other newe keepers (if any shalbe chosen) gevinge them charge upon their othe to be trewe, vigilant and dilligent, as by their othe before sert downe doth more at large appeare : the keyes to remayne by night time thone moitie or half-fendecale in the custody of the Maior for the tyme being, and the resydue in the custodie of the last Maior whom in some places they call Maior of the Staple.

“ It is further ordayned and established by the said authoritie that ther shalbe foure Generall Assemblies houlden by the yeare in the Tollsill or courthowse of this towne and they to be for the more parte the fourth Fryday after Michailmas, Christenmas, Easter and Mid-somer, wherin (and noe other tymes without great necessitie) lawes and constytucions shalbe established and free men admytted.

“ It is also ordayned that no lease or grante of landes, tenementes or any other thinges apertayninge to this towne shalbe passed, geven or granted but at one of the foure Assemblies, at which tyme the said lease or grant shalbe engrossed [by] the Towne Clarek but not ensealed untill ther be . . . ten dayes after at which tyme the said lease . . . shalbe openly read and . . . Corporacion then . . . same shall ap[peare] . . .

“ It is lykwyse established and agreed that none shalbe henceforth allowed to [bu]y or sell as a merchant within this towne excepte he be admitted a free [m]an of one of the foure Assemblies aforesaid (excepting all thas nowe [abo]ve thage of xxi. yeares and by thancient customs allowed, reputed and taken to be free), for which admittance every free-mans issue lawfullyc begotte shall paye v. s., every other, not beinge such yssue, having served seven yeares as an apprentice with some freeman within this towne, shall pay xx. s., and any other that shalbe made free

fol. [93b].

¹ Axes or hatchets.

ARCHIVES OF
TOWN OF
GALWAY.

to pay for his admittance so much as shalbe thought fitte by the greatest number of the Assembly.

“The order of admittance to freedoms to be as followeth :

“A. B. admissus fuit ad franchisesias et libertates hujus ville, quia filius est C. D., liberi hominis, pro fine quinque solidorum.

“A. B., mercator, admissus est ad franchisesias et libertates hujus ville, quia implevit terminum cum C. D., libero homine, pro fine xx. s.

“A. B. admissus est ad franchisesias et libertates predictas, quia mari-tavit C. D., liberam mulierem, pro fine, etc., lefte to the discretion of the most number of thAssemblie.

“A. B. admissus est ad franchisesias et libertates predictas, pro fine, etc., lefte to the discretion, as afore.

“It is also further agreed, by the auctoritie of the said Assemblie, that none shalbe admytted or allowed to be Porter at any of the gates of this towne except he be a freeman therof (if any such man be found), and if no freeman may be had to take that charge upon him, then any other that shall supply the said office of Porter to fynd sufficient surties of freemen within this said town to be bounde in fyve hondreth poundes to the Maior for the tyme beinge to the use of the Corporation that he shalbe true unto the same and performe his oth before laide downe.

“It ys further ordayned by the said auctoritie that no freeman within this towne shall receive or take any apprentice for fewer or les-e yeares then seven; neither any apprentice that shalbe borne out of this town or franchises thereof, unless it be for that suche freeman shall fynde none within the same to serve him. Any freeman doinge the contrary to forfait xx. *li.* sterling.

“Item: That any and every freeman of this Corporation that willinglie absenteth him or them from the same duringe the space of one whole yeare and a daye, not paying or bearinge with the said Corporation scott and lotte, taxe and tallage, then he or they so absentinge and not paying or bearinge, to be disfranchised and loose his or their freedom for ever.

“[It is] likewyse established that if any inhabitant of this towne do at any tyme [fore]stall or regrate the market of the same, that he shall (*oblit.*) and the goodes so boughte . . .

fol. [94].

“It is lykewyse further established by auctoritie aforesaid, that if any dweller within this town do hereafter bringe or conveye into the same the goodes of any other inhabitant therof, and seeke to cover or conceale the said goodes, that he or she so doinge shall make restitution of the goodes to the trewe owner and forfaitte x. *li.*, nomine pene.

“It is also established by auctoritie of the said Assembly that if any person or persons of this Corporacion do henceforth procure or perswade any infaunte of this towne under the adge of xxi. yeares, be he or she prentise or otherwyse, to marrie without thadvyse and consent of the parentes of such infante, or without the consent of his or her tutour or tutours, if the parentes be dead, that then the person or persons so procuringe or perswadinge, to forfaitt x. *li.* sterling.

“It is further established and ordayned by auctoritie aforesaid, that if any goodes whatsoever be pledged or put in pawne to any freeman or other dweller within this towne and not redeemed within one whole year and a day, then the partie to whom suche goodes are pawned may bringe the same before the Maior for the tyme beinge, to whom it shalbe lawfull to make a warrant in wrytinge signed with his hande unto two honest and indifferent men of this towne, by which they shalbe auc-

thorysed to estimate or vallue the said goodes so pledged or pawned, and what pryce they sett thereon, that the partie in whos handes the same hath remayned the tyme aforesaid may at his election sell or convert them to his owne use. And if the pledge or pawne be of lesse vallue then the some lent theron, that yt may and shalbe lawfull to and for the morgagee to challenge the morgagor for the resydue, and yf the pledge be of greater vallue then the some lent as before then the morgagee to answer the overplus unto the morgagor.

“James Linche Fitz Arthure, Major; Stephen Kirowan and Thomas Browne, Bailives, in anno 1585; fol. 96.¹

“Maisters:

Nicholas Linche Fitz Stephen,	Martin Ffrenche,
Gewan Faunte,	Dominick Linche,
Dominick Browne,	Peter Linche,
Pieres Linch Fitz Jo. Oge,	Robnck Ffrenche,
John Blake Fitz Richarde,	Nicholas Ffrenche.

“Memorandum: That on Michailmas day, beinge the xxixth day of September, in anno Domini 1585, in a Generall Courte and Counsaill then assembled: Yt was by the above Maior, James Linch, and the rest of his associates and combrethren then assembled, ordered, adjudged and decreede by the mocion and request of the saide Maior and Nicholas Linche Fitz George and Richard Bodkin shoulde for ever afterwards have and enjoye the places, vocacions, creditte and promotions of Baylives nexte after the Baylives which weare for the yeare of thafforesaid James Linches Meraltship: And that they, the said Nicholas and Richarde, and either of them, shall have, use and enjoye the function and callinge of Baylives in as large and ample manner state and condicion as any other can or may do which have suplyed the said office of Bayliship; and to succeed and followe in thoffice of Meraltship (if yt please God they be therunto called) the aforesaid Baylives.

“Yeven the day and yeare above wrytten.

“JAMES LYNCH, Mayor.

“Memorandum: That on Lammas day, beinge the firste day of fol. [96 b].
Auguste, in the yeare of our Lord God one thowsand fyve hondreth eightie sixe, in a Generall Courte and Counsell then assembled, yt was by Mr. James Linche Fitz Arthure, Maior, and all the rest of his assoeyates and combrethren then in open Courte assembled, ordred, determyned, concluded and generally decreed (by meanes and in consyderacion of an earnesteste requeste then publiquely made) that Richard Joyce and James Linch Fitz Harrie should from thenceforth for ever have, possesse, and enioy the credytt, vocacion, rompth,² promocion and callinge of Bayliefes, and have, use and for ever enjoye the same function, promocion and nominacion of Bayliefes in as full, large and ample manner, forme and condycion as any other shall can or may do which have or hereafter shall supply the said office of baylietfeship, without the contradiccion of any whatsoever. Yeoven at Galwey, the day and yeare above wrytten.

“JAMES LYNCH, Mayor.

“Memorandum: That in a Generall Assembly houlden at this her Majesties towne of Galwey, the first of August, anno 1586, dyvers and

¹ A leaf would appear to be deficient between [94] and 96. ² Jurisdiction.

ARCHIVES OF
TOWN OF
GALWEY.

sondrie persons of thinhabytantes of the said towne of Galwey most lamentably complayned how that they are continually overburthened with cesse, taxe and tallage more than they in substance or wealth are able to sustayne and beare. And albeit that they or any of them would be admytted to the office of Baylifeship or Meraltiship, yet neverthesse by lawe nor consyence they ought not to be burthened more then their habillite, notwithstandinge any aneyent custome heretofore used to the contrary, as by a former order sett downe by Sir Nicholas Malbie,¹ late Governour of this province of Connoght, and the Counsell of the same, ymportinge that no person or persons shoulde be charged with any cesse or otherwyse but accordinge his habillitie and not his callinge. Which order being grounde up in so good consideracion, to the generall preservacion of thinhabytantes of this Corporacion, for avoydinge and preventinge of any other auneyent or unlawfull custome to the contrary, the said Maior, Bayliefes and combrethren with one assent and consent have herby ordred, established and perpetually estatuted that no person or persons of thinhabytantes of the said towne of Galwey, of what degree or callinge soever he or they be of, shall from henceforth beare nor pay no manner cesse, tax nor tallage but accordinge his and their habillities of goodes and landes within the franchises and liberties of the said towne of Galwey; and that yearly, within xv dayes after Mychailmas, the Maior for the tyme being shall ympannell a jury of the best and consyonablest men of the said Corporacion to knowe every mans habillitie, that thereby the said cesse, tax and tallage may be duly devyded as to the said jury with thassistance of the Maior for tyme beinge shalbe thought good. Yt is further ordred and established that the common watch and ward, towne messengers, common masons and carpenters, smythes or other common workmen shalbe equally cessed upon every the said inhabytantes, yonge and ould, poore and riche, and that none that hath bene Maior or Bayliief shall pay noe more therof then the yongest howshoulder in town beinge a free man. Fynally it is further established and estatutid that all common bargaynes or other generall profite, which shall come to the said towne of Galwey, shalbe devyded rateably upon the said inhabytantes accordinge as they and every of them shall beare cesse, taxe and tallage and not accordinge their callinge, as in tymes past hath bene accustomed.

“JAMES LINCHE, Mayor.

fol. 97.

“William Martine, Maior; Vallantine Blake and Marcus Linche, Bayliefes, in anno 1586 :

“Maisters :

James Linche Fitz Arthure,
Gewan Faunte,
Dominicke Browne,
Pieres Linche,
John Blake Fitz R.,
Martine Frenche,

Dominicke Linche,
Pieter Linche Fitz M.,
Robucke Frenche,
Nicolas Frenche,
Nicolas Linche Fitz St.

“Memorandum: That wheras certayne controversy depended betwixt the sargentess of this towne of Galwey and the porters of the same, concerninge the duties and customes of thinges transported and brought in at the severall gates of the said towne, the said sargentess clayminge the same as due to them, and the said porters alledginge the said customs so to be due to themselves: For appeasing of which controversy

¹ Lord President of Connaught, A.D. 1579-1583-4.

yt is by the Mayor, Bayliefes, and Combrethren ordred, decreed and herby perpetually estatuted that the severall porters of the severall gates of the saide towne shall have, levy and receive to their owne uses out of all kynde of cattle, hides and other goodes and merchandize (wherof custome is due) such duties and customs as of antyquytie hath bene accustomed; and lykewyse the said sargentess to have and receive all duties and customes due of right out of such wares, goodes and merchandize as shalbe by sea transported and brought into this said towne at the kay or strond and not otherwyse. Yeoven the xvth of December, 1586.

“WILLIAM MARTYN, Mayor.

“This indenture made at Galwey, the last of September, 1575, betwixt fol. [97 b]. Nicholas Skerrett Fitz Edmond of Galway, yongman, merchant, of the one partie, and Manus O'Trehie, on the other partie, witnesseth that the said Manus hath sett himself a prentice or servant unto the said Nicholas for and duringe the tearme and space of seven yeares next and ymediatly ensuinge the date herof and fully to be complett and ended; the said Manus being bound as a true and faithfull prentice to do his said maisters service both farre and neare, both by night and day, he not usinge or frequentinge taverns of custome whordome or fornycacion, neither shall he plaie his said maisters goodes at tables, dyce, tennies, or any other unlawfull games, nor yet espowse maid, wyfe, or widdowe, without his said maisters lycence and consent duringe that tearme. Also, that he shall make trewe and just accompt and reckoninge to his said maister of all such goodes as he shall put him in trust withall, when and as often as his said maister shall call for the same. Also the said Nicholas covenanteth and standeth bounden by theis presentes to mayntayne and kepe upp the said Manus with meate, drinke, and cloth compotent for a prentice of his vocacion and callinge for and duringe the said tearme: and after the expiration therof, the said Manus to be free man and merchant, he havinge and receivinge of his said maisters goodes ten poundes sterling as a partener for the space of fowre yeares, accordinge the custome, to say, after the expiration of that fowre yeares, Nicholas to have his ten poundes with the one halfendeale of all the goodes and gaynes had or gotten by the same, and Manus to have the other halfe of all the said gaynes without contradiction or exception. And, for performance of all and singular the contentes of this indenture, the parties have plighted their juramentes and put herunto their signes and seales interchangably, the day and yeare above wrytten.

“MANUS OTREHY his signe.—PETER FRENCH FITZ VALLANTYNE.

“GEWAN FAUNT, testis.—THOMAS SKERRETT FITZ EDMOND.—ALEXANDER DERMOTT, Publick Notary.

“Memorandum: That upon the vith day of May, 1581, the above named Manus Trehy was accepted, taken and received as a free man of this Corporacion, by vertue of the expiration of his prentiship (accordinge the above indenture) with the said Nicholas Skerrett, and by satisfaction of the some of xx.s. sterling unto me, William Martin, Mayor, to the use of the Corporacion (thaccustomed fees and dutie for any which so served out his yeares of prentiship to pay,) as by the texte therof, in tyme of Mr. Nicholas Linche Fitz Stephens Meralty, more at large appeareth. Whereupon we, the Maior, Bayliefes, and Corporacion do accept, take, and receive the said Manus Trehy as a freeman and merchant of this towne for ever, and his heirs of his body lawfully be-

ARCHIVES OF
TOWN OF
GALWAY.

gotten, they yealdinge and answeringe all watch, warde, taxe, tallage, and all other duties of right due and accustomed for freemen of lyke vocacion and habyltye to answeere and pay. Yeoven the day and yeare above wrytten.

“WILLIAM MARTYN, Mayor.

“VALENTINE BLAK, Bayliff.

fol. [93].

“John Blake, Maior; Walter Martin and Anthony Kirowan, Bailiefes, in anno 1587:

“Maisters:

William Martin,
Gewan Ffaunte,
Dominick Browne,
Pieres Linche,
Martin Ffrenche,

Dominicke Linche,
Pieter Linche Fitz M.,
Robuck French,
Nicholas Linche,
James Linche Fitz A.

“Memorandum: That upon Michailmas day, beinge the xxixth day of September, 1587, in a generall Courte and Counsell then assembled, yt was by the above Maior, Mr. John Blake, and the rest of his associates and combrethren (by the mocion and request of the said Maior) ordered, adjudged and mutually with one assent decreed that Pieter Kirowan Fitz Dennis of this towne of Galway, merchant, should be taken in and received as a Bayliefe and one of the Counsell of the same towne and for ever afterwards and from thenceforth to have posses and enjoy the vocacion, creditt, rompth¹ and promociion of a Bayliefe in all respectes next after Vallantyne Blake, whoe was Bayliief the former yeare under Mr. William Martin, then Maior; and that the saide Pieter shall enjoy the same place, rompth and callinge of a Bayliefe in as good and ample manner state and condicion as any other person or persons whatsoever called to that function and to succede the saide Vallantyne Blake in other office hereafter as yt shall please God to call him to the same. Dated the daye and yeare above written.

“JHON BLAKE, Mayor.

fol. [99].

“Memorandum: That upon the fourth day of July, 1587, in a generall Courte and Assembly . . .² Maior, Bayliefes, and combrethren of this her Majesties towne of Galway, yt was [ordayned] edicted (and for thappeeing of a controversy then dependinge betwyxt the Bay[liffs] and certayne the towne merchantes concerninge thaveriges of certayne wyne [that] the Bayliefes had out of a ship of bargayne brought by the said merchantes) perpetually estatuted that the officers for tyme beinge (as the Mayor, Baylieffes, and Towne Clarke) shall have as they weare accustomed out of every bargayne their due portions of wyne, acquavytie, iron, salte and such lyke, and shall pay for the same all such subsidyes customs and averiges as the merchantes which bringe the same bargayne shall pay, thaccustomed fee of attorneyship onely excepted. And further yt was by thauethorytie aforesaide ordered and estatuted that any merchant or merchantes of this towne which by band obligatory or otherwyse stande bounde unto any other of the same in any some or somes of money and refusinge to make payment therof shalbe sworne before the Maior and officers for tyme beinge whether he or they so indebted have the vulture of that debt either in gould, silver, plate or any other moveable goods and cattles, and confessinge to have the same by vertue of that his or their oathes, shall presently pay and satisfy the credytor or credytors or elles remayne in cloase prison for the same

¹ Jurisdiction, office.

² MS. decayed.

without any priviledge or liberties ; and he or they depoasinge not to have any such gould, silver, plate or other moveable goodes or chattles to satisfy his or their credytor or credytors, shall (as hath bene accustomed) geve a sufficient pawne or pledge by way of morgage under a sclated howse or tenement within the wales of this towne to countervayle twelve pence sterling out of every pound yearly as interest duringe such tyme as the said debt or eny parte therof shalbe behinde and unpaid. Yeoven the day and yeare above wrytten.

“ WILLIAM MARTYN, Mayor.

“ Memorandum : That upon the xxixth day of September, beinge fol. [99b]. Mychailmas day, in the yeare of [our] Lord God 1586, in a generall Court and Counsell, then assembled, yt was by Mr. William Martin ordred, determyned, concluded, and generally determyned and decreed, that Marcus Athey and Nicholas Linche FitzWilliam should from thenceforth for ever have, posses and enjoy the credytt, vocacion, roompth, promotion and callinge of Bayliefes and have (lykewyse from thenceforth for ever) the use, function, and nomination of Bayliefes in as large and ample manner, forme, and condycion as any other shall, can or may do which have or hereafter shall, supply the said office of Baylieship, without the contradiction of eny whatsoever. Yeoven at Galwey the day and yeare above wrytten.

“ WILLIAM MARTYN, Mayor.

“ Memorandum : That the xxith day of August, this present yeare 1587, yt was agreeede in open Assembly by us, the Maior, Baylyfes, Burgesses and Comons of this her Majesties towne of Gallway, that Christofer Leyns of Croboy within the county of Meethe, gentleman, should be of counsell with our Corporacion in all matters of lawe. In consideracion whereof, we, the said Maior, Baylyffes, Burgesses and Commons by comon consent in the saide Assembly, have graunted unto the said Christofer, during his naturall lyfe, one ann[u]ity of twelve shillinges current money of England per annum, for which alsoe we deliverid unto him a deede bearinge date the day and yeare afforsaide, which we did upon the surrender of a like deede formerly graunted by our predecessors unto Lucas Dillon,¹ nowe Knight and Chief Baron of her Majesty's Exchequer : For testimony and remembrance wherof we have caused this entry to be made in our booke and I, the Maior for the tyme being, have subscriybed my name the said daye and yeare.

“ WILLIAM MARTYN, Mayor.

“ Memorandum : That upon the last day of July, 1587, yt was by the Maior and xii Aldermen agreed in their Assembly that none of the persons which by mocion, petition, or request have been brought in or hereafter shalbe brought in to have the rompth [an]d callinge of a Bayliief (not supplying and executinge the office of Baylief) [sha]ll not have neither place nor force of verdict in open court or other [spe]ciall place amongst the rest of the brethren untill such tyme as they [and e]very of them shall enter (in the towne recorde) sufficient suirties . . .² and buylde such worcke upon the towne wales or other the comon. . .³ as the Mayor and fowre wardins for tyme beinge shall order . . .⁴ upon them and every of them the said Bayliefes brought [in as afor]said. Yeoven the day and yeare above wrytten.

“ WILLIAM MARTYN, Mayor.

¹ Sir Lucas Dillon was appointed Chief Baron of the Exchequer, Ireland, in 1569, and died in 1592.

², ³, ⁴, MS. decayed.

ARCHIVES OF
TOWN OF
GALWAY.

fol. [100].

"Further yt was ordred and decreed by thauethorytie aforesaide, for avoydinge [of the] disorders and abuses commonly used in election of the towne Bayliefes yearly, that [the] election of the towne Bayliefes at Lamas yearly, as aforesaid, shalbe from henceforth made by the Mayor and twelve Aldermen for the tyme beinge, and not by the whole Courte and Counsell, as formerly hath bene used and accustomed. Yeoven the day aforesaid.

"WILLIAM MARTYN, Mayor.

"Also and moreover yt is ordred, and by a gennerall assent of the Maior, Bayliefes, and combrethren perpetually decreed and estatuted, that no manner of person nor persons of this towne, of what degree or callinge so ever he or they be of, which have to fearme for tearme of yeares any landes, tenementes, or howses of any other of the same towne, shall not alenat, lett nor sell his or their interest in the said landes, tenementes, or howses without the speciall lycence, good will and consent of the right owner or owuers thercof, upon payne of xx. l., sterling, to the use of the Corporacion and the forfayture of his and their leases upon the said landes, tenementes, and howses unto the owners therof, without any grace. Yeoven the day afore wrytten.

"WILLIAM MARTYN, Mayor.

"Furthermore, it is ordred, decreed, and by thauethoritie aforesaide perpetually estatuted that every Yongman¹ or other of this towne, of what degree or callinge soever he or they be of, which shall (by any other of the same towne) be put in credytt or trust with eny commiss[ion] or goodes into eny foraigne contrie, shall presently after his or their comyng [in] to this said towne (whether by sea or by land) geve a trewe noate and bill of accompt unto such person or persons as so put him or them in commission or trust with eny goodes. This upon payne of forfayture of so much unto the credytor or credytors as the commission or goodes so sent doth amount unto. And if in case the person or persons so put in trust or commission should by that his or their noate or bill of accompt be founde faultie or unt[rue] in his dealinge with eny his credytor or credytors, that then he or they so found and prov[ed] culpeable to pay and forfaite to the credytors, without eny grace, ten pence sterling for every penny by him or them so consealed. And further yf in case the credytor or credytors of eny such commission or goodes should not within one twelvemonth and a day chall[enge] the partie or parties for his or their crymes or offences, that from thence forth it [shall] not be lawfull for them to make any such clayme challenge or demande for more. Yeoven the viiith day of August, 1587.

"WILLIAM MARTYN, Mayor.

fol. [100 b].

"[This Indentu]re made at Galwey, the laste day of Marche, anno Domini, 1568, betwixt William Martin, of the same, of the one partie, and Cornell Halloran, sonne to John Halloran, late deceased, of thother partie, witnesseth that the said Cornell, with the consent of his mother and freindes, hath, the said day and yeare put himselfe a prentice unto the said William, to thende and for the tearme of seven whole yeares nexte after the said date fully to be accomplyshed and ended, duringe which tyme the said Cornell promyseth and byndeth him faithfully and truely to serve his saide master, taverns of custome not to haunte, and not to play at cardes or dyces nor eny other unlawfull games; sleepe he shall not out of his maisters howse without urgent causes; nor conceale nor waste any parte

¹ The "Young men" of the town in 1519 entered into an association, with the sanction of the Corporation. In 1611 they obtained a charter and various privileges, in consideration of which they were bound to keep watch and ward. Hist. of Galway by J. Hardiman, 1820, pp. 77, 212.

of his goodes over the vallue of fowretine pence by the yeare. And the said William promyseth and byndeth himself well and truly to instruct and teach his said servant in the scienc and intercourse of merchandize duringe the said tearme and honestly after the manner of a prentise to cherishe, mayntayne and kepe him with meate, drinck, lynnynne and wollen cloathes and all other comodities nessesary and expedyent for his said callinge; and after the said tearme so ended without eny fraude, coveine or ympediment admynistred by the said apprentise to make him free as a brother and member of the merchauntes of the same towne and cause the same to be inrowlled in the courte, guylde and recordes thereof as apertayneth. In witnes whereof the said parties have interchangeably sett herunto ther signes and seales at Galwey aforesaid the day and yeare above mentioned.

"WILLIAM MARTIN.

"Beinge present at thensealinge and delivering of this deede we whose meanes are subscribed: Dominick Martin, testis; Francis Martin, testis; John Athy, testis.

"Memorandum: That the xxvith day of Aprill, 1587, the above named Cornell Halloran was by the Mayor, Bayliefes, combrethren, and whole Corporacion, upon vewe of thaffore indenture of apprenticeship, accepted, taken, and received as a member and free merchant of the said towne, he his heirs and ofspringe of his body lawfully begotten for ever, and the same exemplyfyed unto him and his heirs under the common seale by the xii Mayors [peers] the day and yeare above wrytten as by the same bearinge that date more at large may appeare.

"WILLIAM MARTYN, Mayor.

"This Indenture made at Galway, the xxiith day of Nove[mber, in the yeare]¹ of our Lorde God 1587, and in the thertith yeare of the raigne of [our severaign Lady] Elizabeth, by the grace of God Quene of Englande, Fraunce and Ireland, [Defender of the] Faithe, etc. betwixt John Martin Fitz William, of Galway, merchant, [of the one part,] and Terrollagh O'Dowan, of Bunowan, in the county of Galway, . . . [of the other part,] witnesseth that the said Therrollagh, by the assent and consent . . . brethern and ffrendes, hath become bounde prentize, like as by theis, . . . become bounde prentiz unto the said John Martin for and duringe the tyme and tearme of seaven years fully to be complet and ended next and . . . insuinge the date hereof, duringe which tyme the said Therrollagh promisseth, covenauteth, and graunteth to and with his said master to serve him truly, humbly, diligently, vigilantly and faithfully in all matters, services and all other . . . whatsoever wherewith he shalbe put in chardge by his said master aswe[ll] the trade of merchaundiz as in all other service in the country or in all other forrein contries as well by day as also by night. The said Therrollagh further covenauteth, promisseth, and graunteth to and with his said master not onely to live chaste but also not marry duringe the said tearme without the co[nsent] of his said master and that duringe the said tearme he shall not pley . . . at no unlawfull games and yf at seldom tymes he should chauce to pley at lawful games, that he shall not excede in pley not above the matter of . . ., that he shall not were no gorgious apparell, that he shall not be prod[igal] nor delicious neither in eatinge nor in drincking, that he shall not be . . . sleepe that he shall not in any wise discrece his said masters seacrettes . . . that he shall hide nor waste nothinge of

¹ Ms. decayed. The leaf does appear to have been included in the old numeration of the Ms.

ARCHIVES OF
TOWN OF
GALWAY.

his said masters goodes . . . [On the] parte of the said John Martin, he doth promise, covenant and graunte [unto] the said Therrollagh his prentiz that yf the above promisses, covenan[tes and] grauntes be well and truly duringe the said terme observed, performed, an[d done] so as by the good testimony of his dealinges his master should thinck him [fit] to have freedom within this Corporacion that then the said John Martin . . . recompence of his said prentiz [h]is good service standeth hereby bound upon his [owne] proper costs and expences to be a meane to get him out the common seale of Galway to confirme his ffredome in such sorte as others the like have had or that of right they should have, and for performance of all and singuller the premisses either to other byndeth their persons, goodes, chatles and landes, heires, executors and assignes present and to come to the cohertion of any Judge or Judges the matter shall require aswell on this side of the sea as beyonde, renuchinge ¹ all manner of exceptions contrary.

"In wittnes wherof the said parties have interchangeably set to their hand[s and] seales, and prayed the Publicke Nottary to register the same in his book of rec[ords] the year and day, quibus ut supra.

"Therrollagh O'Dowan.—Ex. Lawrence Wilson, Public Notary.

"Forasmuch as the above named Therrollagh O'Dowan have truly and faithfully served out his yeares in all respectes to my ffull contentacion, I have therefore with the assent and consent of my brethern and the customes and orders of this and all other good cittyes and townes graunted unto the said Therrollagh [for the] consideracion aforesaid his ffredome of buinge and sellinge in grose and . . . of all merchaundiz and wares in as lardge and ample maner as any other . . . hath, ought or should have both within this Corporacion and also to and ffrome . . . frome all other fforrain realmes, places and partes duringe his naturall life. And in like maner yf the said Therrollagh do espouse and marry with a ffree woman of this Corporacion that his yssue mate by her lawefully begotten shalbe ffree as afores[aid], he alwayes and his said yssue payinge all taxe, tolladge and all other due[s such as] other his like should or ought to pay. Yeoven at Galway under our handes . . . day of August, 1594.

"Johne Ma[r]tin—Ex. Geffr . . ., Notary P[ublick].

"This admittance or free-making of Tirlagh O'Dowan is utterly disanuld and made voide by the wholl Coort houlden on Wednesday, being the third day of October, 1594.

fol. [101].

"Andrewe Mareis, Maior; Patricke Kirowan and George Mareis, Bayliefes, anno Domini 1588 :

"Maisters :

John Blake Fitz Harrie,
Gewan Faunte,
Dominick Browne,
Pieres Linche Fitz John,
Martin Frenche,
Dominick Linche.

Pieter Linche Fitz Mar.,
Robuck Frenche,
Nicholas Linche Fitz St.,
James Linch Fitz Ar.,
William Martin.

"Memorandum : That upon Mychailmas day, beinge the xxixth day of September, 1588, in a generall Courte then assembled, yt was by the abovenamed Maior, Mr. Andrewe Marreis, and the rest of his associates and combrethren then assembled, ordred, adjudged, and generally de-

¹ renouncing.

creede (by the Maiors mocion and request) that Thomas Linche Fitz-Ambrose should for ever afterwards have, posses, and enjoy the place, vocacion, rompth, credyt, promocion, and callinge of Bayliefe next after Patrick Kirowan and George Marreis, which weare Bayliefes for the yeare of the said Andrewe Marreis his Meraltship. And, further, yt was ordred by the foresaid Maior and his associates that the said Thomas Linche shall have, use and enjoy that function and callinge of a Bayliefe in as full, large, and ample manner, state, and condycion as any other shall, can or may doe which have supplied the office of Bayliefship and shall succede and followe the said Patricke Kirowan and George Marreis in thoffice of Meraltship as is accustomid. Yeoven the day and yeare above wrytten.

“ANDROW MAREYS, Mayor.—EX. LAWRENCE WILSON, Publick Notary.

“Richard Browne, Maior ; Ollipher Kirowan and Peter Frenche Fitz- fol. 102,
Vallantine, Baliefes, in anno Domini, 1589 :

“Maisters :

Andrewe Mareis,	Pieter Linche,
Gewan Ffaunte,	Robuck Frenche,
Domynick Browne,	Nicholas Linche,
Piers Linche Fitz Jo.,	James Linch Fitz A.,
Martine Frenche,	William Martin,
Domynick Linche,	John Blake Fitz H.

“Memorandum : That on Mychailmas day, beinge the xxixth of September, in anno Domini 1589, in a gennerall Courte then houlden and assembled, yt was by thabove named Maior, Mr. Richard Browne, and the rest of his associates, combrethren, and burgesses then assembled, ordred, adjudged, and generally decreede and concluded, that Edmonde Colman and Domynick Bodkin should from thenceforth and for ever afterwards have, possess, supply and injoye the place, vocation, rompth, credyt, promocion, and callinge of Bayliefes next after Ollipher Kirowan and Peter French Fitz Vallantyne; and that the said Edmonde and Domynicke, and either of them, shall have, use and injoye that function and callinge of Bayliefes in full, large and ample manner, state and condycion (in all respectes) as any other shall, can or may doe, which have supplied that office of Bayliefship under any Maior, and accordingly shall succeed and followe the said Ollipher and Pieter French in thoffice of Meraltship. Yeoven the day and yeare above wrytten.

“RYCHARD BROWN, Mayor.—EX. LAWRENCE WILSON, Publick Notary.

“This indenture, made the xth of June, 1577, betwixt William Hal- fol. 102b.
loran, Yongman, and the one partie, and Edmond Ffrench Fitz Nicholas on the other partie, witnesseth that the said William hath sett himself as a prentice unto the said Edmond for tearme and during the tearme and space of seaven yeares next ensuinge the date hereof fully to be complett and ended.

“The said William covenanteth and standeth bounden to serve his said master truly and faithfully duringe that tearme, in doinge his service both day and night as a prentice of his callinge and vocacion ought to doe. Neither shall he mispend, waste or lende his said Masters goodes, nor espouse wyfe, maid, or widowe duringe that tearme without especiall lycence of his said Master. And that the said William shall not frequent or haunte taverns or ale houses, nor play his Maisters goodes at cardes, dyce, tables, or any other unlawfull games. Also the

ARCHIVES OF
TOWN OF
GALWAY.

said William covenanteth and standeth bounden to kepe his Maisters secretes.

“Lykewyse the said Edmond for his parte is bound to kepe and maintaine the said William with meate, drinck and cloathes such as apertayneth to a prentice of his callinge and vocacion duringe that tearme of seaven yeares ; and, after the end and expiracion of that tearme, the said Edmond, his heires, executors, and assigns stand bounden to make the said William a free man and a brother amonge the Corporacion of the merchantes of Galwey only upon the said Edmonds only cost and charges. And for performance herof well and truly to be observed and kept on the behalf of the said William, he hath to this part of this indenture, remayninge in the custody of the said Edmond, put his hand and signe manuell, the day and yeare above wrytten.

“WILLIAM HALLORAN.—ALEXANDER DERMOTT, Public Notary.

“Memorandum : That upon the xviith day of June, 1590, the above named William Halloran was by the Maior, Baylies, and combretheren upon vewe of thatfore indenture (in a Generall Assembly houlden the same day) accepted, taken, received, and made a free man and merchant of the said towne of Galwey, and his heirs of his body lawfully begotten for ever, they yealdinge and answeringe all watch, warde, taxe, tallage, and all other duties of right due and accustomed for free men of lyke vocacion and habillytie to answer and pay. Yeoven the day and yeare above wrytten.

“RICHARD BROWN, Mayor.

fol. 103.

“James Linche Fitz Ambrose, Maior ; John Martin Fitz Patricke and Walter Frenche Fitz Nicholas, Baylies, in anno Domini 1590 :

“Maisters :

Richarde Browne,	Robuck French,
Gewan Ffaunte,	Nicholas Linch,
Domynick Browne,	James Linch Fitz Ar.,
Pierces Linch Fitz Jo.,	William Martin,
Domynick Linch,	John Blake,
Peeter Linch,	Andrewe Mareis.

“Memorandum : That in a Generall Assembly houlden at the Guildhall of this her Majesties towne of Galwey, the viith of May, anno Domini 1591, by the Maior, Aldermen, Baylies, Burgesses, Comonalty, and all sortes of free men and inhabytantes of the same towne, yt was ordayned, established, enacted, concluded, and apointed of one common assent by the said Maior, Aldermen, Baylies, Burgesses, freemen and inhabytantes, that Richard Browne, of Galwey, aforesaide, Alderman, James Linch Fitz Arthure, of the same, Alderman, Ullicke Linch Fitz Edmonde, Mychaell Linche, Thomas Kirowan, Anthony Linch Fitz Thomas, Arthure Blake, Edmond Athey, James Linch Fitz Martin, Marcus Linche Fitz Martin, Walter Athye, and Marcus Blake, of the same, merchantes, shall with all convenyent speede taxe, cesse, devyde, and cutt¹ upon all the said Maior, Aldermen, Baylies, Burgesses, free men and inhabytantes equally and indifferently, acording their severall goodes and chattles whatsoever and wheresoever and acordinge the cleare vallue of all their severall landes, tenementes, and heredytamentes within the saide towne, and the ffranchises and lyberties of the same, all and singuler the same and sommes of money wherein the Corporacion of Galwey aforesaide is lawfully indebted or bound to pay by deed or

¹ Exact or levy.

deedes perfected under the common seale or scales of the said Corporacion to any person or persons; and that Mr. John Lynch, gent[leman], the Gennerall Receiver and Chamberlayne of the said Corporacion, shall collecte, gather, levy, and receive by distres, suites, ymprisonment, and all other lawfull, ordynary or usuall meanes, all and singuler the severall somme and sommes of money that shalbe so taxed, cessed, devyded, and cutt upon every the said Maior, Aldermen, Baylifes, Burgesses, free men and inhabytantes, and that the said some and sommes so collected, gathered, levyed, and received as aforesaide, shalbe presently after the receipt therof satisfyed and paid unto all the said person and persons to whom the said Corporacion is indebted under their common seale or scales as aforesaid.

“JAMES LYNCH, Maior.

“Where the Corporacion of this, her Majesties towne of Galwey, hath bene and is indeabted to certaine persones of the said towne in divers soomes of money disbursed for the common profites and necessitie of the said Corporacion, which soomes being over greate to be at one tyme divided uppon thenhabitantes of the same towne, the Mayor, Baylifes, Burgesses and Comynaltie of the said towne have formerlie agreeede, ordayned, appoincted, and enacted that, for the more easie payment of the said debtes, a custome and subsidy should be payed oute of all the wares and merchautizes coming to Galwey aforesaid for, during so long tyme, and untill the money collected, gathered, and received, by vertue of the said custome and subsidy, should satisfie and pay all the deabtes of the said Corporacion, which custome and subsidie hath bene many yeares quietlie collected, gathered, and received accordinglie and a greate parte of the said deabtes by that meanes satisfied to the creditors. But, in processe of tyme, throughte the favoure, tolleraunce, slacknes, and negligence of sonndery Mayors, and other officers of the said towne, a greate deal of the said custome and subsidy hath not bene collected, and much of the soommes collected was not employed in payment of the said Corporacions deabtes, to the greate discredite of the whole Corporacion, and hinderaunce of the said creditors. For remedie whereof, and for the more easie and spedie payment of the said deabtes, in a gennerall Assemblie holden at the Guild-hall of the said towne, the viith of May, 1591, it was ordained, established, and enacted by the said Mayor, Aldermen, Baylifes, Bourgeises, Cominaltie, and all sorte of freemen and inhabitantes of the same towne, that certaine honest, sufficient, and indifferent persones of the same towne should with all convenient speede tax, cesse, divide, and cutt uppon the said Mayor, Aldermen, Baylifes, Burgeises, free men and inhabitantes, equally and indifferently, all and singuler the sommes of money wherein the said Corporacion is lawfully indeabted, as by the said statute recorded in the statute booke of the said Corporacion more at lardge appareth; wherein the said persones appoincted for the said tolladge havinge longe tyme travaylled accordinge thentent of the said late statute, enformed the said Mayor, Bayliffes, and Cominaltie in a gennerall Assemblie that the said taxe and tolladge cold not be equally or certainelie made untill the severall sommes dewe to the said Corporacion for the saide subsidie and custome should be levied, taken upp, and received, so as the reste and remanaunt of the said Corporacions deabtes, whereunto the said soomes dewe for custome and subsidy do not amounte, should be certainelie knownen and accordinglie taxed and divided uppon the said Mayor, Bayliffes, Burgesses, and Comynaltie accordinge thentent of the said late statute.

“Therefore, in a gennerall Assemblie, holden at the said Guild-hall by the said Mayor, Bayliffes, Burgesses, and Comynalty, the xviiith of

fol. 103 b.

ARCHIVES OF
TOWN OF
GALWAY.

fol. 104.

June, 1591, it is ordained, established, enacted and appoincted by the said Mayor, Bayliffes, Burgeses, and Comynaltie, that the Mayor and Baylifes of the said town and every of them may and shall arrest, take, and hold in prisone the bodies of all and singuler persone and persones specified and contayned in the severall bookes and registers of Lawe-raunce Wylson, Publique Notary, and Rowland Skerreth, and Mr. John Lynch, the Chamberline and Gennerall Receiver of the said Corporacion, to be endeabted and chardgeable to the said Corporacion for any somme or sommes of money of the said custome and subsidy untill every of the said persones so chardged shall fully satisfie and pay to the said Chamberline to the use of the said Corporacion all and singuler such sommes of money wherewith they and every of them are severally chardged in the said severall bookes and registers and also may and shall arrest the goodes of all and singuler of the said persones chardged and indeabted as aforesaide founde within the said towne, and the ffraunches and liberties of the same, and the said goodes so founde shall sell at the best and greatest price they may, and the money of them received and had shall deliver to the said Chamberline to the use of the said Corporacion towards the paiement of their said deabtes and also that the said Mayor, Baylifes, and every of them may and shall seize and extend ¹ all and singuler the landes and tenementes of every of the said persones chardged or indebted for the said subsidy and the yssues and profites of the said landes shall levie, take upp, and deliver to the said Chamberline untill the severall soomes wherewith every of the said persons be severally chardged to the Corporacion by the said book and registers, as aforesaid, shalbe fully levied, taken upp, satisfied, and paid, so as the said persons appoincted for taxinge and dividinge of the said Corporacion deabtes may presently proceede to tax and divide the rest and remanant of the whole deabtes dewe uppon the said Corporacion and that from thencefowerth the said custome and subsidy shall cease, be determynd and extinguished for ever.

“JAMES LYNCH, Mayor.

“Memorandum : That upon Tewsdaye, being the third day of Auguste, 1591, in a generall Courte then assembled, yt was by Mr. James Linche Fitz Ambrose, Maior, and the whole Councell and combrethren of this, her Majesties towne of Galway, ordered and generally decreede that Arthure Blake Fitz John, Stephen Ffrenche Fitz Ffrancis, and James Linch Fitz Henry, the yonger, shoulde for ever afterwardes have, possess and enjoy the place, vocation, roompth, credytt, promocion and callinge of Baliefes, in degree and place next after John Martin Fitz Patrick and Walter Ffrench, Bayliefes for the yeare of the said James Linch Fitz Ambrose his Meraltship. And further yt was ordred and gennerally decreede by thaucthorytie aforesaid that the said Arthure, Stephen, and James, shall have, use and enjoy that function and callinge of Bayliefes in as full, large and ample manner, state and condycion as any other shall, can or may doe which have supplied the said office of Bayliship and shall succede and followe (if God permytte them lyfe) the foresaid John, Martin, and Walter Ffrench in thoffice of Meraltyship, as is accustomed.

“Yeoven under the signe of the said Maior, the day and yeare above wrytten.

“JAMES LYNCH, Mayor.

“Ex. LAWRENCE WILSON, Pub[lic] Notary.

fol. 104b.

“Memorandum : That yt beinge ordred and decreede by the Maior, Bayliefes, etc., the third day of August, 1591, (upon a bill exhibyted by

¹ Proceeding under writ styled of “Extent.”

Arthure Blake, Stephen Ffrench, and others, for the roompth of Baylieses, that not only they, but also eny other honest batchler and freeman of this Corporacion that would take that place upon him to answer and beare a Baylieses porcion of all ymposycions should be accepted and received to the same: Yt is therefore hereby ordred and decreed that Richard Linch Fitz Walter shall for ever hereafter have, posses and enjoy the place, vocacion, roompth, credytt and calling of a Baylief, in degree and place next after James Linche Fitz Henry, the yonger, and shall have and use that place of Baylief, in as full, large and ample manner, state and condycion, as eny other shall, can or may doe, which any way heretofore have supplied that office, and accordingly shall succeed and followe (yf God permytt him lyfe) the said James Linche Fitz Henry in thoffice of Meraltyskip as is accustomed. Dated at Galwey, the xvith day of September, 1591.

"JAMES LINCHE, Mayor.

"EX. LAWRENCE WILSON, Pub[lic] Notary.

"Memorandum: That wheras yt beinge ordred (by the Mayor, Baylieses and combrethren of this towne of Galwey, the third day of August, 1591, upon a bill exhibyted by Arthure Blake, Stephen French and others, for the places and roompthes of Baylieses) that not only they but also eny other honeste batchlor, howshoulder and freeman of this Corporacion, that would take that place upon him to aunswere and beare a Baylieses porcion of all ympocyctions that might happen upon the said Corporacion, should be accepted and received to the same place: yt is therefore herby ordred and decreed by thaucthorytie aforesaid, that Arthure Linche Fitz Ambrose, of the said towne of Galwey, merchant, shall for ever hereafter have, posses and enjoye the place, vocacion, rompth, credytt and callinge of a Baylief, in degree and place next after Nicholas Linche Fitz Walter Reughe, and shall have, use and enjoy that rompth and place of a Baylief, in as full, large and ample manner, state and condycion as eny other shall, can or may doe which any way hertofore have supplied that office and accordingle shall in his degree come unto the office of Meraltyskip, as is accustomed, God permytting him lyfe.

"Dated at Galwey, the xxth day of September, 1591.

"JAMES LINCHE, Mayor.

"EX. LAWRENCE WILSON, Public Notary.

Memorandum: That, it beinge ordred and decreede by the Mayor, fol. 105. Baylieses, and combrethren of this towne of Galway, the third day of August, 1591, upon a bill exhibyted by Arthure Blake, Stephen Ffrench and others, for the places and roompthes of Baylieses, that not only they but also eny other honest batchler, howshoulder and freeman of this Corporacion that would take that place upon him to answer and beare a Baylieses porcion of all ymposytions that might happen upon the said Corporacion, should bee accepted and received to the same place: Yt is therfore ordred and decreed by thaucthorytie aforesaid that Ambrose Linch Fitz James, of the said towne of Galwey, merchant, shall for ever hereafter have, possess and enjoy the place, vocacion, roompth, credytt and callinge of a Baylief, and, in all sortes, use and enjoy the same, in as full, large and ample manner, state and condycion, as eny other shall, can or may doe, which eny way heretofore have supplied that office, and accordingly shall, in his degree, come unto the office of Meraltship (God permyttinge him lyfe) nexte after Arthure Linche Fitz Ambrose.

"Dated at Galwey, the xxth day of September, 1591.

"JAMES LINCHE, Mayor.

"EX. LAWRENCE WILSON, Pub[lic] Notary.

ARCHIVES OF
TOWN OF
GALWAY.

"Willick Linche Fitz Edmond, Mayor; James Linch Fitz Martin and Pitter Blake, Bailliffes, anno Domini 1591 :

fol. 106.

" Maisters :

James Linch Fitz Ambrosse,
Gevan Ffaunth,
Dominick Browne,
Dominick Linch Fitz John,
Pitter Linch Fitz Markes,
Robucke French,

Nicholas Lynch Fitz Stivin,
James Linch Fitz Arthure,
William Marten,
John Blake Fitz Harrie,
Andrew Maires,
Richard Browne.

fol. 106b.

"This Indenture, made the fifth of October, in the yere of our Lord God, 1591, betuixt Frances Martin, of Galway, in the contey of Galway, merchant, and John Omarkighan, sonne to Walter Omarkighan, late deceased, of thone partie, and Walter Athy of Galway, in the said conty, also merchant, of thother party, witnesseth, that the said Frances Martin and the said John have putt the said John with the said Walter Athy, as a prentice and servant, after the manner of a prentice and servant with him to dwell, from the feast of Mychellmasse last past before the date hereof unto the end and terme of seven yeares next ensuing fully to be complett and endid. By all which said tearme the said John Markighan, a prentice to the said Walter Athy, as his maister, well and faythfully shall serve, his secretts shall keepe, his commandements lawfull and honest every where shall do, fornicacion in the house of his said master nor without shall not comytt; hurtt to his said master he shall not do nor consent to be donn, but he to his power shall lett or anon his master warne; tavernes of custome he shall not haunt, but if it be about his masters bussines, there to be don. At dice, cards or any other unlawfull games he shall not play; the goodes of his said master he shall not waste, nor them to any man lende; without his master's licence, matrimony with any woman within the said tearme he shall not contract nor espouse; from his servyce nether by day nor by nyght shall absent or prolong himself, but as a true and faythfull servant ought to behave himself, as well in wordes as deed. And the said Walter Athy unto the said John Markighan, in the trade of merchandize the which he now useth, after the best manner that he can or may, shall teache and enfourme, or cause to be taught and enfourmed, as much as to the said trade of merchandise belongeth or in any wise apertaineth; in due manner to chastise him; fynding unto his said servant meat, drynk, linen, wolen hose, shoes and all manner thinges to him necessary or belonging for such aprentice to be founde.

"In witnes wherof, the said parties have interchangeably put hereunto their severall handes and seales the day and yeare first above written.

"FRANCES MARTIN.—JOHN MARKIGHAN.

"Present at the sealing and delivery hereof we whose names are subscribed :

"R. DUACENSIS.¹—JOHN LYNCH.—ELLIN MARTIN.—WILLIAM SKERETT.

"Memorandum : That the fourth of August, 1591, it was ordred by a commen consent in the Court house or Tolsell of this her Majesties towne of Galway, that Domynick Lynche shall have yearly, as a stipend or fee, out of the custom of subsidy as long as he shalbe attending uppon the offce, to saye, the somme of twenty shillings, sterling.

fol. [107].

"Anno Domini 1592, annoque regni Regine [Elizabethæ] xxxiii.

¹ Roland Linch, Bishop of Kilmaedugh, A.D. 1587-1625.

“Valentyne Freinche, Maior; John Lynch and Geffry Freinch,
Ballives, anno predicto :

“Masters :

Ullik Lynche,	James Lynch Fitz Arthur,
Givane Fonte,	William Martyn,
Dominick Browne,	John Blak,
Dominick Lynch,	Andrew Mares,
Peeter Lynch,	Richard Brown,
Robuck Freinch,	James Lynch Fitz Ambrose.—13.
Nicholas Lynch,	

“Memorandum : That yt is ordred and perpetually decreede by the worshipfull Vallantyne French, Maior, and the rest of the jurie apoynted by the Courte in a genneral Assembly houlden the iith day of August, 1593, for vewinge of the waste plott of grounde next adjoyninge to Mr. Ullicke Linch his newe howse at the key dysyred by John Butler for erectinge a tenement thereon, that the same plott of ground shall in sorte as yt nowe doth for ever lye waste and never hereafter be graunted to any private person for any kynde of use or comodytie. As also yt is ordred that the waste plott or parcell of ground lying without the lyttle gate neare the said gate towardes Piers Linch Fitz John Oiges garden shall lykewyse for ever lye waste and not hereafter be granted to any person or persons from the Corporacion. Yeoven at Galwey the day and yeare above wrytten.

“VALENTINE FRENCH, Mayor.

“Where George Marreis made petytion to the Maior and brethren of this her Majesties towne of Galwey to have a howse roomth graunted him neare Piers Linch Fitz Johnneckes garden, without the lyttle gate, the consyderacion whereof wheathr yt was grantable (without prejudyce, hinderaunce or danger to the sallegarde and commonwealth of the whole towne) was in a genneral Assembly houlden by the said Maior and brethren on Fryday the third of August, 1593, referred to the discretion of Vallentyne French, then Maior; Domynick Martin, Recorder; John Linche, Chamberlayne; Ullick Linche, Domynick Browne, Alderman; John Martin Fitz William, Rowlande Skerrett, Marcus Linch Fitz Nicholas, Thomas Kirowan, James Dorsey, Marcus Linch Fitz Stephen and John Skerrett of the same, merchauntes, who the next day after the said day, takinge vewe of the said place and consyderinge of the discomodytie and danger that aryseth and is ineydent and hanginge of the howses that are already buylded neare the wales without, have concluded and agreed in one that not only the said George Marreis but also all others should for ever be forbidden to proceede to any buyldinge upon the premyes : and that in convenyent tyme, to say, at Mychailmas next a generall enquiry should be made of all the harmes, hurttes and dangers the body of the towne sustayneth and is lyke to sustayne through the said buyldinges already made without the towne as aforesaid, and that, upon presentment therof by good and discrete consonable men, the same should be avoyded by breakinge downe of all such howses and closes accordingly and especially all buyldings made without the said lyttle gate.

“VALENTINE FRENCH, Mayor.

“Memorandum : That in the said open Assembly yt was agreed, in the behalf of Marcus Linche Fitz Nicholas, with his own consent and request, that he should be paid of his debt upon the Corporacion out of the subsidye money to be allowed him upon his warrantes therein, so

ARCHIVES OF
TOWN OF
GALWAY.

that the said Marcus shall forgoe his interest for the loane of his said debt and enter in bondes for the same on condycion he shalbe exempt and free from any contrybucion of any interest due to any other person for any former debt the towne oweth by obligations nowe of force, otherwyse yf incase the other credytors do gett interest for their money the said Marcus to have the lyke allowance for his forbearance.

fol. 108.

“Anno Domini, 1593.

“John Martin, Mayor; Robuck Martin and Arthur Lynche Fitz James Baillyffes :

“Maisters :

Vallentin Ffrenche,
Givan Ffaunte,
Dominicke Browne,
Dominick Linche,
Peter Linche,
Robuck Ffrenche,
Nicholas Linche,

James Linche Fitz Arthur,
John Blak,
Andrewe Marres,
Richard Browne,
James Linche Fitz Am.,
Ullick Linche.

fol. 108b.

“Memorandum : That the day and yeare above written, in a gennerall Assembly holden in the Guyldhalle of this towne of Galway, Lawrance Wilson, Courte-clerck or Publicke Notary of the said towne, did resigne and putt over his whole right, title and enterest in the said office unto Stephen Linche Fitz Thomas of the same; and made suite and petition unto us to accept and thinke well of his resignation and to graunte the same unto the said Stephen, together with all the fees, profittes and perquisytes to the said office incident and belonging: We, therefore, the Mayor, Balyffes, Burgesses, bretheren and Comonaltie of the said towne, of one whole assent, for, and in consideration of the good opynion which we conceave of the honest sufficiencie of the said Stephen, in the exercise of the said office, have, and by these presentes, do geve and graunte unto the said Stephen the said office of Towne Clearcke, or Publicke Notary, with the yearly fee of sixe poundes, sterlinge, together with all and singuller the freedomes, perquisites and proffyttes to the same belonging or in anywise appertayninge in as lardge and ample maner as the said Laurence or any other heretofore exercisinge the said office had or ought to have the same. To have and to hold the said office, with all and singuller thapertenaunces aforesaid, to the said Stephen for and duringe his good behaviour. And yt is likewise agreed and consented by us, the Mayor, Bailiffes, and bretheren aforesaid, that the premisses shalbe conveyed and sufficiently assured unto the said Stephen under the common seale of the saide towne. And the said Stephen then in our presence did take his corporall othe, upprightly, truly and ffaithfully to exercise the said place and accordinge to his with and skylle to behave and demean himselfe therein loyally to her Majesty, [and] ffaithfully and truly to the Corporacion aforesaid in all pointes. Die et anno quo supra.

“Memorandum : That, xvth of July, 1594, in a gennerall Assembly it was agreed and concluded by the Mayor and brethren, that none of the contrey people, except such as shalbe of her Majesties retynues in wadges and garrisons shall not be suffered to weare any weapons during their aboade within this towne, but leave the same weapon either with the porters or in their lodgings, in sorte of auncient tyme accustomed.

"Anno Domini 1594.

"Galway, xxix Septembris, 1594.

"Ronalde Skerrett, Mayor; and Piers Linch Fitz Johneck and fol. [109¹].
Patrick Linch Fitz Ullick, Bailliffes:

"Masters:

John Martin Fitz William,	James Linch Fitz Arthur,
Givan Faunte,	John Blake Fitz Henrie,
Dominick Browne,	Richarde Browne,
Dominick Linch,	James Linch Fitz Ambros,
Peter Linch,	Ullick Linch,
Robuck Ffrench,	Vallentyne Ffrench.
Nicholas Linch,	

"Galwey, the xviith day of July, 1595.

"This daye enformacion beinge made by Geffrey Browne and Peeter Oge Ffrench Fitz Peter of the same, merchauntes, before us in open Court and generall Assemblie, that they beinge auctorized by the Corporacion of the said towne for bringinge towards the necessary provision of the same such stoare and quantity of powlder and match as they might conveniently, and having brought the same to the value of an howndreth and odd poundes sterling or thereabouts, are as yet behynd of the payment thereof at the handes of the said Corporacion, beinge bounde to pay theyre credyttors at Dublin, at or by the last of this moneth in danger of forfeitinge double the soome in baundes of staple, and humblye soughte us remedy in that behalfe: Uppon the which request and suit made for the speedy dispatch and payment of the said money, yt is ordered, established and ordeyned by the body of the wholle Corporacion Mayor, Baylyffes, Burgesses, and combretheren of the same that Rowland Skerrett, nowe Mayor of the same towne, shall see the said soomme payd out of the subsidey money groweing to the said towne and shall with all convenient speede see the same subsidey duely levyyed, reared and taken upp of such which of the said towne do owe any parte or parcell thereof either by imprisoning [of] theyre bodyes or otherwyse as to his owne good discrecion shalbe thought meete and convenient without any respect of persones beinge authorised theyre Generall Receivour for lyke pu[rposes] for this present yeare.

"Yeoven the day and yeare above written.

"ROLAND SKERRETT, Maior.

"Galwey, xxix Septemberis, 1595.

"Marcus Lynche Fitz Nicholas, Mayore; Thomas Lynche Fitz- fol. 111.
Dominycke and Gregorie French, Baylyfes:

"Maysters:

Rowland Skerrett,	James Lynche Fitz Arthure,
Givane Fannthe,	John Blake Fitz Henry,
Domnyck Browne,	Richard Browne,
Domnyck Lynche,	James Lynche Fitz Ambrose,
Peeter Lynche,	Ullick Lynche,
Robuck Frenche,	Valentyne Frenche,
Nicholas Lynche,	John Martin Fitz Williame.

"Galwey, xxi February, 1595[-6]:

"Coram Marco Lynche, Mayore, et Domnycko Martyne, Recordatore:

"Thomas Onvylen, mercator, admissus est ad franchisias et libertates

¹ The numeration of this leaf in the Ms. has been lost through decay. The leaf which follows it is numbered 111.

ARCHIVES OF
TOWN OF
GALWAY.

hujus ville, quia implevit terminum cum Patricio Lynche, libero homine,
pro [fine] . . .¹

(In margin : "Domnyck Martine, first Recorder of Gallway, in which
office he continued thirty (*sic*) yeares."²)

"Galwey, xxix September, 1596.

fol. 112.

"Oliver Oge Frenche, Mayor; Peeter Oge French Fitz Peeter and
William Lynche Fitz Peeter, Bayliffes :

"Maysters :

Marcus Lynche Fitz Nicholas,	John Blake,
Givan Fannthe,	Richard Browne,
Domnyck Lynche,	James Lynche Fitz Ambrose,
Peeter Lynche,	Uillick Lynche,
Robuck Frenche,	Vallentyne Frenche,
Nicholas Lynche,	Rowland Skerrett,
James Lynche Fitz Arthour,	

[Galwey,] xxix September, 1597.

fol. 113.

"Anthony Lynche Fitz Marcus, Maior; Patrick Kirwan and Andrewe
Blake Fitz Patricke, Bailiffes :

"Maisters :

Oliver Oge French,	John Blake Fitz Henrie,
Gevan Fomme,	Richard Browne,
Dominick Linch,	James Linch Fitz Ambros,
Peter Linch,	Uillick Linch,
Robuck French,	Vallentyne French,
Nicholas Linch,	Roland Skerrett,
James Linch Fitz Arthur,	Marcus Linche.

xxix September, 1598 :

"Coram Antonio Linche, Maiore ville de Gallway, et sociis suis :

"Memorandum : That uppon Mychelmas day, being the xxixth day of
September, 1598, in a gennerall courte then holden and assembled, yt
was by the said Mayor and the rest of his associates, bretheren and
burgesses, then assembled, ordered, adjudged and generally decreede and
concluded that Richarde Skerrett Fitz . . .³ should from hence fourth
and for ever afterwarde have, possesse, suply and en[joy] the place,
vocation, rome, creditt, promotion and callinge of a Bailiffe . . . after
Patrick Kyrwan FitzEdmonde and Andrew Blake Fitz Patricke, and
that [the] said Richarde shall have, use and enjoie that function and
calling of a Bail[iffe] in as full, lardge and ample maner, state and con-
dicion, in all respectes, as . . . shall, can or may do which have
supplied that office of Bailshippe under . . . and accordingly shall
succeede and followe the said Patrick Kyrwan and An[thony] in the
office of Mayoralshippe, acordinge the custome of the said t[owne] of
Galwey. Yeoven the day and yere above written.

"ANTHONY L[YNCH], Mayor.

"EX. GEFREY MARTIN, Publicke Notary.

^{1, 3} Ms. decayed.

² Damian Peeke was appointed Recorder in 1611 (see pp. 462-64), and held that office in 1618), see p. 468. See also History of Galway by J. Hardiman, 1820, p. 230.

[Galwey,] xxix September, 1598.

"Nicholas Kirwan Fitz Denis, Maior; Marcus Blake and Patrick Blake, Bailiffes, anno Domini, 1598 :"

ARCHIVES OF
TOWN OF
GALWAY.

fol. 114.

"Maysters :

Anthony Lynche Fitz Marcus,	Ullick Lynche,
Gevan Faunte,	Valentyn Frenche,
Peeter Lynche,	Rowland Skerrett,
Nicholas Lynche,	Marcus Lynche,
James Lynche Fitz Arthour,	Oliver Oge Frenche.
James Lynche Fitz Ambrose,	

"Galwey, 7 August, 1599.

"Coram Nicholao Kirowan, Maiore, et sociis suis :

"Nicholaus Craddock, mercator, admissus est ad franchisias et libertates hujus ville, quia implevit terminum cum Robucko French, libero homine, pro fyne xx.s. sterling.

"Galwey, xxvii die Septembris, 1599.

"Coram Nicholas Kyrwane, Mayore, et sociis suis :

"Memorandum : That the day and yeare aforesaid, in a Gennerall Assembly holden by the said M[ayor], Bayllyffes, Burgesses, and Comonalty in the Tolse[1] of the same, it was agreed uppon by [the] said Mayor, Bayllyffes, and bretheren of one whole assente that William Lynche Fitz Martyne, [and] Edmonde Athy, of the same, merchantes, should from hencefoorth and for ever afterwarde have, possesse and enjoye the place, vocation, roome, creditt and callinge of Bailliffes next a[fter] Markus Blake and Patrick Blake, and that the said William Lynche and Edmond Athy have, use and enjoye that function and callinge of Bayliffes, in as lardge and ample [a] state and condicione, in all respectes, as any other shall, can or may doe whiche have [supplied] that office of Ballishippe under any Mayor, and accordingly shall succede and followe Patrick Blake and Markus Blake in thoffice of Meraltyshippe, according the custom of the towne of Galway.

"Yeven the day and yeare aforesaid.

"NICHOLAS KIRWAN, Mayor.

"Galwey, xxix September, 1599.

"Mychell Linche, Mayor; Christopher Linche Fitz Richarde and Patricke Frenche Fitz Olipher, Bailliffes : fol. 115.

"Maysters :

Nichollas Kirwane,	Ullick Linche,
Gewan Ffounte,	Vallentyn Ffrenche,
Peter Linche Fitz Markus,	Rowland Skerrett,
Nichollas Linche Fitz Stephen,	Markus Linche Fitz Nicholas,
James Linche Fitz Arthour,	Olyver Oge Frenche,
James Linche Fitz Ambros,	Anthoni More Linche."

"Villa Galwey, decimo Julii, anno Domini 1600 : Coram Michaelē Lynch, Maiore, Christophero Lynch et Patricio Ffrench, Ballivis ejusdem ville, et sociis suis :

"Johannes Quircke, mercator, admissus est ad franchisias et libertates hujus ville, quia implebat terminum cum Christophero Bodekyn, libero homine, pro fyne xx.s. ster.

"Villa Galwey, xxii. die Julii, 1600 : Coram prefato Maiore, Ballivis, et sociis suis :

ARCHIVES OF
TOWN OF
GALWAY.

"Jacobus Cunningham, mercator, admissus est ad franchisas et libertates hujus ville, quia implebat terminum cum Thoma Skerret, libero homine, profyne xx.s. ster.

"Villa Galwey, primo Augusti, 1600 : Coram prefatis Maiore, Ballivis et sociis suis.

"This day, enformacion beinge made and moved, in open courte, by certein of the bretheren, of the yminent loss gennerally all the Corporacion doe daily sustain for want of the administracion of justice in the counties and shyers of the province abroad by meanes [of] thobstinacie, willfull disobedience, myere¹ lienge² and disceite of the countrie gentlemen and enhabitantes, that by no meanes there cann no remedy be had against them for the recoverie of due d[ebts],³ muche less of any roberies or spoiles ; neverthelesse, uppon the repaier of them to this t[own] of Galway, [they] are so dayly suported and uppholden by the Mayor and his associates [that no] justice can be ministred uppon them, the Mayor ordinarily grauntinge to every of them so . . . his worde and protection to retowrn saulfe without any molestacion, the countrie enhabitautes, v[oid] of all charitie, litle regardinge theire dutie to God, by that meanes makinge a gaine of the goodes of the poore merchantes and other thenhabitantes of this Corporacion, to the great hinderaunce of a greate sorte of the neighbors, humbly craveinge a reformation of them : For remedy whereof it is gennerally ordeined and established by the Mayor, Balliffes Burgesses and Comonaltie of the Corporacion that noe Mayor, Balliffe, nor any other the towne officer or magistrate, shall henceforth or any tyme hereafter support, uppholde, mayntein or passe any such woordes, proteccion or saulfe-conducte to any of the countrie enhabitantes of what qualitie soever against any lawefulle or due debte of any of the neighbours, whereby they might be hendered the course of justice in recovery of theire due, and also such woordes, proteccions, and saulf-conductes so geven to be voyed and noe effecte, any priviledge, libertie, oe auctoritie to the contrary notwithstandinge. And if, uppon the contrary, the Mayor or any other officer shall refuse or deny thadministracion of justice or contradict this statute, then the partie greved by the tenor hereof to have his remedy against the said officer, and may in any courte or courtes lawefully sue and recover his debt and domadges against the officer, as yf he himself were principall in the debte, any act to the contrary whatsoever notwithstandinge.

"Further, where the xxiith of January, anno Domini 1486, it was ordayned and established by Dominick Lynche FitzJohn, then Mayor, Richard Marres and Geffrey Blake, Bailliffes, and whole Counsaill of this towne—⁴

"Villa Galwey, xxix September, 1600 : Frannces Martin, Maior ; Marcus Lynch Fitz Martin, Edmond Lynch Fitz Pyers, Baylieffes :

"Maysters :

Mychell Lynche.	Valyntyn Frenche.
Gyvan Faunthe.	Rowland Skerrett.
Peeter Lynche Fitz Marcus.	Marcus Lynche Fitz Nicholas.
James Lynche Fitz Arthour.	Oliver Oge Frenche.
James Lynche Fitz Ambrose.	Anthony More Lynch.
Ullick Lynche.	Nicholas Kirowan.

"Christopher Lynch, Mayor ; Robert Blake and Nicholas Lynch, Bailliffes : September xxix, 1601.

"List of "Maysters."

¹ Absolute, downright.

² lying.

³ Ms. decayed.

⁴ Remainder of page is blank in the Ms. The act referred to was probably that given, ante, p. 385, under A.D. 1486.

fol. 115b.

fol. 116.

fol. 117.

"Statutes :

"Memorandum : That the xvth day of the moneth of March in the above yeare in a Gennerall Assembly holden by the above Maior, Bailliffes and all the rest of the Aldermen and combrethethrine of this her Majesties towne of Gallway, in the Tollsell or Court-howse of the same towne, with one gennerall consent (for divers respectes and sundry good considerations them movinge, tendinge to the better administration of justice from tyme to tyme to be kept and exercised in the same towne), have by theis presentes agreed and for evermore perpetuallie estatuted that any person of the same towne which did beare the office of Maioraltishipp or Baillifshipp, assistinge the Maior or Bailliffes for the tyme being in gevinge judgement betweene partie and partie, either in the said Tollsell or in any other place whatsoever within the liberties of the same towne, shall not from hensfoorth be taken, accepted, or allowed to be bounde surtie for any person or persons at any tyme that he or they shalbe so associatinge or assistinge the Maior or Bailliffes, for the tyme beinge, for avoydinge and abolishinge of the former corrupt order heretofore accustomed contrarie to this statute. And yf any Maior or Bailiffe hereafter should receave any that have beene in office as aforesaid surtishipp, conntinarie to the true meaninge thereof, that any such Maior or Bailiffe so offendinge shall pay the contentes of such surtishipp promised, without any respect of grace, and the partie which he receaved surtishipp to be clerely dischargd.

"The statute was also made in the tyme of John Blake Fytz Richard [h]is Maioralty [A.D. 1578-9].

"James Dorsey,¹ Mayor ; Robert Blake and Nicholas Dorsey, Balliffes ; fol. [118]. September xxix, 1602.

List of "Maisters."

"Memorandum : That, the daie and yere aforesaid, thabovenamed Mayor and Baliffes, with the whole assente and consente of the whole Corporacion, have elected and chosen Nicholas Linche, Fitz-Jonneck, and Arthour Bodkin, of Galwey, merchautes, Baliffes, in as lardg and ample manner as Domynicke Linch Fitz John Androw, with the consent his combretherin hath elected Marcus Frenche Fitz John.

"Memorandum : That the xxiii day of August the said Christofer fol. [118b]. Lynch, Mayor, and his associates have ellected and chosen Roberte French Fitz Nicholas, of Galway, marchant, to be Balliffe of the said towne of Galwey from hencefoorth next after Robert Blake Fitz Walter Lea and Nicholas Dorsey, and that the said Robert shall have use and enjoye that function and office of Balliffe in as lardge and ample manner in all respectes as any other shall, can or may doe which have suplied that office of Ballishipp under any Mayor, and accordingly shall succeed and follow the said Robert Blake and Nicholas Dorsey in the office of Meraltishipp accordinge the custome of the said towne of Galway. Yeven under my hand, the day and yeare above written.

CHRISTOFOR LYNCH, Mayor.

"Marcus Linche Fitz Steephen, Mayor ; Martin Galdy Linche and fol. [119]. Olyver Martin, Baylyfes, 1603.

List of "Maisters."

¹ In margin : "Memorandum : That the xiith of June, being Whitsunday, thabove yeare James Dorsey, Mayor, departed out of this world and the same verie day in a gennerall Assembly then holden by the Aldermen and whole Corporation have with one assent and consent elected and chosen the late Maior, Mr. Christoffer Lynch Fitz George, to be Maior of the said towne of Gallwaie untill Mychaellmas day next."

ARCHIVES OF
TOWN OF
GALWAY.

fol. 120.

"Marcus Frenche Fitz John, Mayor; Martin Fonnte and Christopher Blake, Baylyfes, 1604.

List of "Maisters."

fol. 120b.

"Villa Galvie, decimo die Septembris, 1605.

"Memorandum: That the day and yeare afforesaid thabove-named Mayor and Bailliffes, with the whole consent and assent of the whole Corporacion have elected and chosen Stiphen Linch Fitz James Fitz Ambrose, Anthonie Linch Fitz James Fitz Ambrose, Fraunces French Fitz Pitter, Patrick French Fitz George, Robert French Fitz Pitter, John Bodkin Fitz Domnick, as Bailliffes, in as large and ample manner as Dominicke Linch Fitz John Andrewe, with the whole consent of his combretheren, hath elected Marcus French Fitz John.

fol. [121].

"John Skerrett Fitz William, Mayor; Geffrey Lynch Fitz Dornynycke and John Lynch Fitz Markus, Baillives: Septembris [xxix.] anno Domini, 1605.

List of twelve "Aldermen."

"Statutes:

Memorandum: That the fowerth of October, the above yeare in a Generall Assembly holden in the Tollshell or Courte-house of Gallwaie aforesaid, the above Mayor, Baillives, Aldermen and whole Corporacion with one gennerall consent have agreed and allowed that from hencefoorth for evermore everie freeman that is in the said towne of Gallwaie that be marchannte or that hereafter shalbe admitted to be marchaunte and dwellinge in the same towne, keepinge crock and panne and payenge tax, talladge and all other dueties accostomed in the said towne of Gallwaie, accordinge their abilities, shall have his and their voice both in electenge of officers yearely, accordinge coostome, and also in all gennerall matters as shall happen to twitch¹ the common chardge of the said towne and Corporacion from tyme to tyme, notwithstandinge that such person or personnes have not borne office of Mayoraltie or Baillishipp in the said towne. Yevin the day and yeare above written.

JOHN SKERETT, Mayor.

fol. [122].

Edmonnde French . . . ² Mayor; Peeter Lynche . . .
Pierse Lynche Fitz Jonick . [Anno] Domini, 1606, Septe[mbris xxix.]

List of Town Council.

"Galwey tertio die Octobris, 1606.

"Memorandum: That holden by the . . .
Gallwey aforesaid . . . with one gennerall . . . thabove named
. . . presente yeare of . . . choose elect . . . contradic-
tion . . . tofore (and the . . . divers inconven . . . could
not fitt . . . a Deputie Bailiffe by and with our . . . avie tyme
as aforesaid by him . . . that ever was appointed by anie . . .
custome here holden haveinge . . . and callinge before any other
the . . . Yeaven the day and yeare a[bove written].

fol. 123.

"Richard Martin, Maior; Martin Dorsey and Robert Martin, Baillives, in anno Domini, 1607, Septembris xxix.

List of "Masters."

"Statutes.

"Apud Theolonium ville de Gallway, per Maiorem, Ballivos, Burgenses et Communitatem ville de Gallway predictae, die Mercurii, vii. Septembris, anno Domini 1608.

¹ Touch.

² MS. defective.

"It is ordered, inacted, established and confirmed by the Maior, Baylives, Burgesses and Communalitie of Gallway aforesaid, in this present Assembly gathered together, with mutuall assentes and consentes, that the Warden and Viccars of the Kinges Colledge of Saint Nicholas church at Gallway, for tyme beinge, nor theire successors, shall not bargayne, alliene nor sell, give, graunt, demyse nor inlease nor to farme let for tearme of yeares nor otherwise, any manner of landes, tenementes, teithes, rentes, or other hereditamentes or revenues or livinge whatsoever that doth belong or in any wise appertaine to the said Colledge, or which it doth owne or ought to have in right of the said house and Colledge church or any other way noe longer nor for noe more tyme than for one whole yeare. After expiration of which one yeare, the next Warden to have all the revenues and livinges of the said Colledge.

"And if the Warden and Viccars, or any of them for tyme beinge, shall or will, contrarie to this stattute, sette, lette, or demise, give, graunt or sell, or otherwise dispose or make away, any of the livinges or revenues pertayning to the Colledge aforesaide or any of the premisses or any parte thereof for any longer tearme or tyme than for one yeare as aforesaide, it is further ordred and enacted that any person or persons so doinge, contraire to this stattute, shalbe for ever after put foarth, expulsed and removed out of the said Colledge house and church, as an unprofitable member, and also shall forfeyte to the common purse of the same twentie poundes sterling.

"It is likewyse ordered, inacted and established that if any of the inhabitantes of this towne of Gallway shall bargayne or covenante with the said Wardein and Viccars, or with any of them, for anny of the teithes, livinges, or other revenues of the said Colledge for any longer tyme or tearme than for one yeare, that he or they that doe so bargayne or buy, or take any such teithes or other revenues for any longer tyme, shall forfeyt and loose his lease or graunte of the same, and the thinge or thinges so bought or solde, and also the somme of twentie poundes sterling of his own proper goodes, for the use of the common purse of the same. fol. 123b.

"It is also ordred and inacted that, for the more assurance of the true performance of the statute which hitherunto hath beene neglected, abused and not observed, the common seale and pattente of the said house and Colledge shalbe fourthwith put in keepinge in the common chest of the towne, and that all former leases, grauntes, bargaynes, salles or gyftes made or don by any of the Wardens or Viccars heretofore of anny the premisses or any part or parcell thereof to any person or persones whatsoever, shalbe for ever hereafter disannulled, stand voyde and of noe force nor effect.

"Styphen Kirovan, Maior; Martine Dorsey and James Oge Dorsey, fol. 124. Baillyffes, in anno Domini 1608, Septembris viii:

"Vivat Rex."

"Maisters—13.

Richarde Martine.	Marcus Linch Fitz Stiphen.
Edmonde French Fitz Robert.	Marcus French Fitz John.
Ullick Lynch Fitz Edmond.	John Skerrett Fitz William.
Marcus Linch Fitz Nicholas.	Olliver Browne.
Olliver oge French.	Thomas Browne.
Michaell Lynch.	Vallentine Blake.
Christopher Linch Fitz George.	

"Floreat Respublica.
Valeant Galvinienses."

ARCHIVES OF
TOWN OF
GALWAY.

"Memorandum: That the day and yeare afforesaid theabovenamed Mayor and Bailiffes, with the whole assent [and] consent of the whole Corporacion, have elected and chosen Richard Kirvan Fitz Stiphen, of Galway, merchant, Bailiffe, in as large and ample manner as Dominick Linch Fitz John Andrew, with the consent of his bretheren hath elected Marcus French [Fitz] John.

"STEPHEN KYROWAN, Mayor.

fol. 125.

Olipher Browne,¹ Mayor; Nicholas French and Domynick Browne, Bailiffes, September xxixth anno Domini, 1609.
List of Aldermen.

"Memorandum: That in a Gennerall Assemblie holden in the Towlsell or Courte house of Galway the said viiith day of Januarie, thabove yeare, by the Aldermen and whole Corporacion therof, Thomas Browne Fitz Dominick, was, by gennerall consent and most voice, fined in the soome of 100*l* sterling, and disabled² to be ever hereafter Mayor of the said towne, by reason of his contempt in despising and putting off the office of Mayoraltie, being elected for this yeare; and the next immediate Mayor succeeding to putt the same in execucion.

fol. 125*b*.

"Memorandum: That in a Gennerall Assemblie holden in the Towlsell or Courte-housse of Galwaye, the said viiith daie of Januarie, thabove yeare, by the Aldermen and whole Corporacion thereof, Thomas Fonnth was elected and chosen Balliffe in as larde and ample manner as Dominicke Linche Fitz John Androwe, with the consent of the bretheren hath elected Marcus French Fitz John, etc.

fol. 126.

"Richard Bodikin, Mayor; Patricke Martin and Christopher Bodikin, Sherriffes, xxix die Septembris, anno Domini, 1610.

List of Aldermen.

"The towne made a county this yeare, 1610.

"Memorandum: That the day and yeare aforesaid thabovenamed Maior and Sheriffes, with the whole consent and assent of the Corporacion, has elected and chossen Charles Nolane, Anthony French Fitz Nicholas, Davy Bodkyne, Anthony Darsy, and Marcus Bodykyne Fitz Richarde, of Gallway, merchantes, Balliffes, in as larde and ample manner as Domnicke Lynch Fitz John Andrew, with the consent of his britherne hath elected Marcus French Fitz John, etc.

"Memorandum: That the xviiiith day of Decembere, in [1610] the eighth yeare of the prosperous raigne of our Sovereigne Lord, Kinge James, by the grace of God, of Englande, Fraunce and Irelande, and of Scotlande the fower and fortith, the towne was made a countie and the charter was confirmed by his Majestie with divers further additions, inlargmentes and priviledges which heretofore we hade not, as by the said confirmacione, datede as aforsaide, appeareth. And the same yeare Damiane P[eecke], Esquyre, was, by consent of the whole Corporacion, elected Ree[order] of this towne and his fee augmented.

fol. 126*b*.

Memorandum: That in a Generall Assemblie holden by the Mayor, Shiriffes, Burgesses and Comonaltie of his Majestie's towne of Galwey in the Toulseil or Courte house therof, the xxiiiith day of March, 1610 [-11], by generall consent and most voice, Daniell Barnes, gentleman,

¹ In margin: "Memorandum: That the eighth day of Januarie, the above yeare, Oliver Browne, Mayor, was deposed of the said office by direction from the State, and the same very daye in a Gennerall Assembly then holden by the Aldermen and whole Coporacion [they] have with one assent and consent elected and chosen Ullick Linch to be Mayor of the said towne of Galwey untill Michaelmas next." The deposal was in consequence of the Mayor's refusal to take the oath of supremacy.

² This proceeding was in consequence of a similar refusal in relation to the oath of supremacy.

was admitted to the franchise and liberties aforesaid, pro fine, etc., left to the discretion of the Sherriffe Bodkin and Peter French, Esquier.

“Memorandum: That in a Gennerall Assemblie holden by the Mayor, Sherriffes, Burgesses, and Comonaltie of his Majestie's towne of Galway in the Towlsell or Courte-house therof, the xxiiith day of Aprill, 1611, by generall consent and most voice, Edward Carpenter, merchaunt, was admitted to the franchise and liberties aforesaid, pro fine, etc., left to discrecion of the Mayor and Sheriffes.

“Vallentine Blake Fitz Water Fitz Thomas, Maior; Andrewe Linche fol. 127.
Fitz John, and Thomas Blake, Sherriffes, xxix September, anno 1611.

“Richard Martine, Mayor for parte of this yeare.

List of Aldermen.

“Memorandum. That the 13th day of November, the above yeare, Vallentin Blake, aforesaid, by a dedimus potestatem under the great seale, was required to swear the Oath of Supremacie by the Right Woorshipful Sir Oliver St. John, Knight, Vice-President of Conaght, in the presence of the Right Reverend Father in God, William,¹ Lord Archbishopp of Tuame, and others, and the said Vallentin, not taking the said oath, was then putt beside the said office and the Corporacion comaunded to elect another Mayor, and the same verie day, in a Gennerall Assembly here holden by the Aldermen and whole Corporacion, [they] have with one consent chosen Richard Martin to be Mayor of the said towne untill Michaelmas next.

“Statutes:

“Apud Theoloneum ville de Galwey, per Maiorem, Vicecomites, Burgenses et Communitatem ville de Galwey prediete:

“It is ordered, enacted, established and confirmed by the Mayor, Sherriffes, Burgesses and Comonaltie of Galwey aforesaid in this present assemblie gathered together, with mutuall assents and consents, that whereas it hath bene found to be verie . . . ² that every Comoner of this towne, as well in regard of the continuall trouble that groweth unto themselves by their often attendaunce as for that many of them have litle experience of the government of other well ordered and honoured citties [and] townes are not sufficiently able to advise, for remedie thereof there were [in a Gennera]ll Courte holden, twelve of this Corporacion chosen to be of Councell . . . Aldermen of this Corporacion in all . . . which concerne the said Corporacion.

“It is therefore ordered that all orders, actes or statutes that here- fol. 127b.
after shallbe made by the Mayor that nowe is, or that hereafter shallbe, for or concerning this Corporacion, shalbe holden voide in all respectes except there be present at the making of the said orders, actes and statutes the greatest number of the Aldermen of this Corporacion and six at the least of the said elected Councell which shallbe for the tyme then being; and that nothing be moved in the Gennerall Courte but such thinges as are first agreed uppon by the Mayor for the tyme beinge and the greatest [number] of the Aldermen and six at the least of the said Councell, which shallbe for the tyme then beinge, under their handes, and that then the same shalbe offered to the consideracion of the Courte and confirmed by them.

“It is further inacted and ordered by the Mayor, Aldermen and Councell that forasmuch as there are many abuses and inconveniences, in the nowe gatheringe and levienge of the subsidy of this Corporacion, that from hencefoorth the said subsidies shall cease, and that the same

¹ William Daniel or O'Donnell, Archbishop of Tuam, A.D. 1609–1628.

² Ms. damaged.

ARCHIVES OF
TOWN OF
GALWAY.

shalbe raised againe. And it is further ordered that neither the Mayor for the tyme being, or that hereafter shalbe, shall not any way intermeddle with the receiving or having of the same or any parte thereof and that the receivors appointed for the receiveing thereof shall become bound in recognizance for to yeald a true accompt for the same, and that they have for their fees but [*blank*] sterling in the pound.

"And it is further ordered that the Mayor, and Shirriffes for the tyme being, or that hereafter shalbe, shall asist the said Receivors soe often as shalbe requisite for the collecting and gatheringe upp of the said customes and subsidies, and that they keepe several bookes of all the goodes that shalbe from tyme to tyme transported either outgate or ingate.

"And it is further ordered that the said receiver shall not pay or disburse any parte of the said customes, subsidies or revenues but by warrant from the Mayor and the greatest number of the Aldermen and six at least of the said Counsell under their handes.

"And, further, whereas there is unjustlie exacted of the marchantes of this towne and Corporacion certain exactions, under the title or name of saulfe conduct, whereas theauncient custome was that straungers whoe brought in marchaundizes uppon their adventure onely, should before theire arivall infourme the Maior from whence they came and their occasion of cominge, to thentent that if they came from any infectious place or otherwise there might be such order taken as shalbe requisite; and for the same paid saulfe conduct, which is nowe otherwise used, to the great grivaunce of the marchauntes of this town, for remedie whereof it is ordered that onely strangers that shall bring in goodes as aforesaid shall pay for their saulfe conduct, and that not any freeman shall pay or give any thing out of their own handes by cullour of saulfe conduct, or otherwise intending to the same or to the like cause, and that every man that shall offend contrary to this order shall pay fortie poundes sterling and returne to the owner what he takes.

"It is further ordered that as well the Mayor for the tyme being, as every Mayor that shall hereafter be, within this Corporacion, shall take his corporall oath truly to observe and keepe these orders to the best of his power.

"VALLENTYNE BLAKE, Mayor.

"Memorandum: That in a Generall Assemblie holden by the Mayor, Shirriffes, Burgesses and Comonaltie of his Majestie's towne of Galway, in the Towlsell or Courte house thereof, the second day of October, anno Domini, 1611, by generall consent and most voice, the Right Honorable Donatus [O'Brien], Earle of Thomond, and one of his Majestie's Privie Councill of this realme of Ireland, the Right Woorshipful Sir Oliver Saint John, Knight, Vice Presidennt of Connaght, Master of the Kinge's Ordinance in Ireland, and one of his Majestie's Privie Councill, of the same, Sir Thomas Rotheram, Knight, Governor of his Majesties forte neere Galwey, and Roger O'Shaghnes, Esquier, were ellected and admitted to the fraunchise and liberties aforesaid.

"VALLENTYNE BLAKE, Mayor.

fol. 128.

"The true copie of Mr. Recorder's graunt, verbatim: Omnibus Christi fidelibus, ad quos hoc presens scriptum pervenerit, Maior, Vicecomites ville de Galwey et Burgenses et Comunitas ejusdem ville, salutem in Domino sempiternam.

"Sciatis quod nos, dicti Maior, Vicecomites, Burgenses et Comunitas, ex diversis bonis causis et consideracionibus nos specialiter moventibus,

dedimus, concessimus, et hac presenti charta nostra confirmavimus dilecto nostro in Christo, Damiano Peecke, armigero, de cujus probata fidelitate ac summa in nos benignitate et merito plurimum confidimus, officium Recordatoris ville et comitatus ville de Galwey, cum omnibus feodis, proficiuis, commoditatibus, potestatibus, auctoritatibus, libertatibus, preheminiis, privilegiis et emolumentis quibuscumque eidem officio Recordatoris pertinentibus sive spectantibus, ac in tam amplis modo et forma prout aliqui alii sive aliquis alius officium predictum antehac habuerunt vel occupaverunt, sive habuit vel occupavit, aut habere seu occupare poterit, ac in tam amplis modo et forma quam iidem officium et cetera premissorum cum pertinentiis, dari aut concedi possunt aut debent.

“Habendum, tenendum, gaudendum, exercendum, et occupandum officium predictum cum pertinentiis, unacum omnibus feodis, proficiuis, commoditatibus et advantagiis eidem officio spectantibus sive pertinentibus, prefato Damiano Peecke per se vel per sufficientem deputatum suum, ad libitum Maioris et Burgencium ville predictae de tempore in tempus eligendum et substituendum, pro termino vite ipsius Damiani Peecke, tam libere et integre et in tam amplis modo et forma prout aliquis alius sive aliqui alii predictum officium unquam habuerunt sive tenuerunt, aut nos illud quovismodo dare aut concedere possumus.

“Et ulterius sciatis quod nos, in consideratione premissorum ac pro officio predicto exercendo et occupando, damus et concedimus pro nobis et successoribus nostris eidem Damiano Peecke, nunc Recordatori [vel] assignatis suis, quandam annuitatem sive annualem redditum triginta librarum bone et legalis monete de et in Anglia, exeuntem de et ex omnibus terris, tenementis et hereditamentis nostris, ad separata festos Annunciationis Beate Marie Virginis et Sancte Michaelis Archangeli equalibus dividendis, annuatim solvendis prefato Damiano aut assignatis suis per nos et successores nostros super Maiorem ville predictae, pro tempore existente.

“In cuius rei testimonium, huic presenti scripto nostro sigillum nostrum comune apponi fecimus.

“Datum apud le Towlsell sive Courte-house de Galwey predicta, tricesimo die Septembris, anno regni Domini nostri Jacobi, Dei gratia Anglie Frauncie et Hibernie Regis, Fidei Defensoris, nono, et Sectie xlv., anno Domini 1611.

“Provided that the said Recorder shall not nominate any Deputie but with the consent of the Mayor, Aldermen and freemen of the said towne, neither shall hold the said office any longer than that he shall behave himselfe justlie and truely towards the said Corporacion.

“Per me, DAMIAN PEECKE.

“VALLENTYNE BLAKE, Mayor.

“The Recorder not to name a Deputie but with consent of the Mayor, Aldermen and Freemen.

“Memorandum : That on the 12th day of October, in anno 1611, in a Gennerall Courte holden by the Mayor, Shirriffes, Burgesses and Comonaltie, in the Towlsell or Courte-house thereof, it was by genneral consent concluded by them (uppon acknowledgment of a promise past by the late Shirriffes, Patricke [Martin] and Christopher Bodkin) that the nowe Mayor, Vallentine Blake, shall have accordinge the Auditors allowance to him in such monys he expended in the cause that depended for (*oblit.*) of John Griffin all such subsidie as grewe due uppon the said Vallentin for goodes the last ycare imediatly after Geffrey Linch be paid of his mowey, in parte of paiement of the said money soc by him paid for the said (*oblit.*).

“VALLENTYNE BLAKE, Mayor.

ARCHIVES OF
TOWN OF
GALWAY.

fol. 128b.

"Memorandum : That in a Courte holden in Galwey the fowerteenth day of October, anno Domini 1611, before the Mayor, Recorder, Aldermen, Sherriffes, and Comonaltie of the towne of Galwey aforesaid, the late Sherriffes, Pattericke Martin and Christopher Bodkin, collectors of the twoe partes of the towne revenues of the last yeare, have made upp their accomptes and have disboursed for the said towne all such soomes as they during ther collectourshipp have received, and are thereof clearly discharged for ever.

" VALLENTYNE BLAKE, Mayor.

" DA[MIAN] PECKE.

" ANDREWE LYNCH, Sherriffe.

"Memorandum : That in a Gennerall Assembly holden by the Mayor, Sherriffes, Burgesses and Comonaltie of Galwey, in the Towlsell or Courte-house thereof, the last day of October anno Domini, 1611, by gennerall consent it was agreed that all and every soome and soomes of money and stypendes heretofore graunted by the said Corporacion to any person or persons, (except the Mayor, Recorder and Towne Clercke's stypendes,) in consideracion of their povert[y] and unhabilitie, shall surcease, be void, recalled and of noe force or validitie for ever.

"And further it was by the said Courte concluded that the subsidie of the said town shall continue and be according the condicions already written and contained in this booke.

"And, finally, it was by gennerall consent of the Court agreed and condescended, the day and yeare aforesaid, that all comissions and warrauntes graunted by them under their seale to any person or persons, except the late commission graunted to the Recorder and Geffrey Linch concerning the newe customes, shalbe likewise recalled, disannulled, void and of noe force for ever, any former acte or graunte by them made or ordained to the contrary any wise notwithstanding.

" VALLENTYNE BLAKE, Mayor.

"Memorandum : That in a Generall Assemblie holden by the Mayor, Sherriffes, Burgeisses and Comonaltie of his Majestie's towne of Galwey, in the Towlsell or Courte-house there, the viiith day of November, 1611, by generall consent and most voice, John . . .¹ was admitted to the franchise and liberties aforesaid, pro fine, etc., left to the discreccion of the Mayor.

" VALLENTYNE BLAKE, Mayor.

fol. 129.

"Sir Thomas Rotherham, Knight, Governor of his Majestie's Forte of St. Augustine's, neere Galwey, one of his Majestie's Councell of the Province of Connaught, and Mayor of Galwey, Marcus Linch Fitz Christopher and Adam Fonnte, Sherriffes, the xxixth of September, 1612.

List of Aldermen.

" Statutes made this yeare :

fol. 129b.

"Memorandum : That, this present daie, at the Tolleshell or Courte house of this Corporacion, by a generall consent of the Mayor, Common Councell, Burgesses and Comonaltie there assembled for settinge downe of good orders for the publike weale and good government of the said Corporacion, it was concluded and ordered as followeth, viz. that from henceforth noe Maior of this towne shall hereafter intermeddle with the subsidie or other the revenues of this Corporacion to take or receive any parte thereof, but that the Receivers appointed or from time to time to be appointed by the Comon Councell of the said Corporacion shall receive the same, which they shall not disburse without the consent of the said

¹ Ms. indistinct.

Common Councill or the greater parte thereof first had and obtained (the yearly fees and stipends due and accustomed by the Corporacion to be paid onely excepted), for which sommes so to be disbursed the Mayor for the tyme shall give a warrant to the said collectors or Receivers for their discharge.

"Item: that every Mayor hereafter elected or to be elected shall, before he be admitted Mayor of this towne and to that purpose receive his oath, enter into bondes of one thousand poundes sterling, with twoe sufficient suerties inhabiting within the said towne, to the Recorder of the said towne for the time being, duering the time of his Maioraltie not to doe any act or actes, without the consent of the Corporacion, which may any way tend to the prejudice and damage of the said Corporacion and the gennerall good of the same. Which bondes the said Recorder, within tenn daies after the determinacion of every such Mayor's Maioraltie, shall deliver up to the partie soe bound as aforesaid, yf within the said space the Corporacion cannot charge him with the breach of this acte in anything tending thereunto.

"Item: That noe Mayor of this towne shall hereafter at any time calle any Courte and assemble together the said Corporacion, thereby to take their advise and therein conclude any thinge as concerninge the disburseing of any somme or sommes of mony for the use of this Corporacion, or for the lettinge or settinge any of the townes revenues untill he have first called together the Common Councill of the Corporacion and that they have well debated and digested the said busines and the maior parte of them condicended¹ unto it.

"Also, whereas divers Mayors of this Corporacion, for their owne proper gaine, have, at such time as the merchautes of this towne have brought their wines or comodities to be discharged and brought to their warehouses or sellors, either caused the keye² gate to be kept shutt, or otherwise given comaundement to the boatemen and carremen of this towne that they should not discharge, bringe in, or carry the said wines or merchandizes, to thend to compell and inforce the owners of the same wines and merchandizes to bestowe upon such Mayor some gratuity or rewarde, which in its kinde and nature is extortion, and oftentimes is to the greate hinderance and damadge of the merchautes: For reformation whereof, it is ordred that from henceforth the key gate shalbe kept open at all times when that any merchant hath either wines or other goodes to be discharged, unladen, or brought in, at all convenient owers and tymes; and that neither the Mayor, Sheriffes or other officers shall by any waies or meanes whatsoever give anie impediment or hinderance to the unlodeing or bringeing in of any wines or other merchandize, except it be for the payeing of such duties, customes or subsidies as shalbe due forth of the same either to his Majesty or to this Corporacion; the somme of x.li. sterling to be presentlie levied by the Sheriffes for the time being by distresse of the goodes of the partie soe of[fending].

"Walter Martin, Maior; James Oge Dorsey and Geordge Martin, fol. 130. Shirriffes, xxixth day of September, in anno Domini, 1613.

List of Aldermen.

"Nicholas Darsey, Maior, James Oge, Darsey and Frances Martine, fol. 131. Shirriffes, the xxixth daie of September, anno Domini, 1614.

List of Aldermen.

"Piers Lynch, Mayor: Piers Martin and Johnneck Lynche Fitz Piers, fol. 132. Shirriffes, the xxix day of September, anno Domini, 1615.

¹ consented.

² quay.

ARCHIVES OF
TOWN OF
GALWAY.

fol. 132b.

List of Aldermen.

"Galwey, xxx. of September, 1616.

"Memorandum: That, the day and yeare aforesaid, it was concluded by the Courte that all subsidies and saulf conducts accrewinge to the Mayor and the towne of Gallwey fourth of any wares or merchanndize whatsoever shalbe put back and extinguished.

"Galwey xxiith of October, 1616, coram Petro Linch, Maiore, et sociis suis.

"Memorandum: That in a Generall Assembly, holden in the Towlshell or Court-house of the said xxiith of October, thabove yeare, by the Mayor, Aldermen and whole Corporacion thereof, Peter French Fitz Vallentin was, by generall consent and most voice, fined in the soome of a hundred poundes sterling and dysabled to be ever hereafter Mayor of the said towne, by reason of his contempt in despising and putting off the office of Maioraltie, being elected for this yeare; and Marcus Kirwane was likewise fined in twenty pounds sterling for contempting the office of one of the Sherrifes of the same towne for the said yeare following, being likewise thereto appointed, and the Mayor to put the same in execucion accordingly.

"P. LINCHE, Mayor.

"DA[MIAN] PECKE.

fol. 133.

"Anno Domini, 1617, Peeres Lynch Fitz Jonake, seconde time Mayor; Johne French and Edmonde Lynch, Shiriffes, the xxix. daie of September, 1616.

List of Aldermen.

fol. 134.

Frauncis Frenche Fitz Peeter, Mayor; Thomas Lynche Fitz Piers, James Semper, Shiriffes, the xxix day of September, anno Domini, 1617.

List of Aldermen.

fol. 135.

"Nicholas Lynch Fitz Geordge, Mayor; James Semper and Marcus Lynch, Shiriffes, anno Domini, 1618.¹

List of Aldermen.

fol. 135b.

"Coram² Nicholao Lynch Fitz Geordge, Damyan Peck, Recordatore, Jacobo Semper et Marco Lynch, [Vicecomitibus,] dicte ville Galwey, et sociis suis, xxix die Octobris, anno 1618.

"Memorandum: That, in a Gennerall Assembly, houlden by the said Mayor, Recorder, Sherriffes, Burgesses, and Comonalty of the said towne in the Tolshell or comon Courte-howse of the same the day and yeare aforesaid, being the feast day of Saint Mychaell tharchangell, Sir Charles Cowth [Coote], Knight, Sir Richard Boork, of Deremacklaghney, Knight, Mr. John Boork, of Dunsandell, Esquier, and John Jacob, of Galwey, by gennerall consent and most voice of the whole Corporacion in gennerall, were admitted to the fraunchise and libertyes aforesaid, pro fine left to the discrecion of the Mayor and Sherriffes, etc.

"NICHOLAS LYNCH, Mayor.

Cancelled memorandum of 22 September, 1619, in relation to petition of Richard Lynch Fitz Edward, merchant, of Galway.

fol. 136.

Act relative to subject of preceding memorandum.³

¹ Fol. 135 is partly coloured in red, yellow, and purple.

² Ms. damaged.

³ "Coram Jacobo Darsey, Maiore, et sociis suis: Galwey, ultimo die Julii, 1620:

"Memorandum: That, the day and yeare aforesaid, by the said Maior and Aldermen whose names ensue, with one mutuall accorde have caused Marcus

"James Darsy Fitz James, Mayor; Marcus Frenche, Fitz Marcus, and Peetter Martine Fitz Walter, anno Domini, 1619, Sherriffes." fol. 137.

"Anno Domini, 1620, the xxix. of September: Andrew Linch Fitz John, Mayor; Marcus French and James Semper, Sheriffs."¹ fol. 138.
List of Aldermen.

"Galwey, xi. die August, 1621, coram Andrea Linch, Maiore, et sociis suis. fol. 138b.

"Memorandum: That in a Gennerall Assembly holden the day and yeare aforesaid in the Towsell or Courthowse of Galwey, by gennerall consent and voice it was concluded and agreed that all the arches or patches and vaults at the great gates shalbe stricken downe and removed from thence, because that theire howses there are verie noisome to the Corporacion, and it was concluded that all the parkes, howses, and other workes, which are part of the common ground by Maioraltie seale, shalbe also presently beaten downe and reduced to the benefit and furtherance of the Corporacion.

"ANDREWE LYNCH, Maior.

"Galwey, xiv. die August, 1621: coram Andrea Linch, Maiore, et sociis suis.

"The names of such persons as are named by the Corporacion to viewe and reforme all abuses and encrochments uppon the Corporacions common grounds, the day and yeare aforesaid in open courte:

Vallentin Blake.

Marcus Linch Fitz Martin.

Peter French Fitz Vallentin.

Nicholas Linch Fitz Jonickin.

Marcus Blake.

Patricke Martin.

Peter French Fitz Peter, thelder.

John French Fitz Peeter Boy.

Robert Blake.

John Bodkin Fitz Dominicke.

Nicholas Martin.

James Kerwane Fitz Stephen.

Walter Browne Fitz Thomas.

"Memorandum: That, the day and yeare aforesaid, in open Courte, it was, by gennerall consent and most voice, agreed and concluded that the above named persons, or any six of them, shall survey and perambulat all the common groundes of the towne taken upp by Maioraltie seales, and all the same ground and every parte thereof reduce, alter, converte and improve to the good availl, furtheraunce and behoofe of the Corporacion as the said parties and every six of them shall in their wisdomes, understanding, and discrecion thinke fit and convenient.

}"ANDREWE LYNCH, Maior.

"1621, the 29 day of September, Robert Martine, Maior; Luke Rawsone and Manus Cornin, Sheriffes." fol. 139.

Lists of Aldermen and "Common Council."

Martin, Publicke Notary, to cancell and deface the writing or claime against written by Richard Linch against Martin Darsey's stone house. The said Nicholas Linch, Alderman, then Mayor, acknowledging that the said claime was written without his consent, and afterwards drewe his hand to it, and James Semper, alsoe then Shirriffe, affirminge that he did subscribe to it after theire yeare of office was expired and cancelled for that it was soe out of rule and honest forme conceived, as alsoe for that this booke is improper for plea of that kind and that bussines of that nature concerns the Towne Clerck's booke.—James Darsy, Mayor; Richard Martin, Alderman; Nicholas Darsey, Alderman; Crystofor Lynch Fitz Geordg, Alderman; Nicholas Lynche; P. Linche, Alderman; William Lynch, Fitz . . . Marcus . . .

On fol. 136b is entry dated 29th September, 1620, on election of Bailiffs Andrew Darssy, George French Fitz Pattryke, and Edward French Fitz Patrick.

¹ At foot: "J. A. scripsit. Anno. 1699."

ARCHIVES OF
TOWN OF
GALWAY.

"The said Robert Martin deceased the nynteenth day of Aprill in the yeare of his Maioralty, in whose place was elected, by gennerall consent, his father, Richard Martin, Esquyer, yt being the third tyme of his Maioralty.

fol. 139b.

"Memorandum: An act made with consent of the Maior and Corporacion, viz. that, where at a Court holden within the Tollsell of this town, yt was ordered that all such persons as hold anie lands or tenements of and from the said Corporacion by force of common seale or Maioraltie's seale, or that clayme debtes upon the said Corporacion by virtue of anie such, shoold produce their evidences for the same in open courte by a certaine day prefixed, or fayling thereoffe, the said evidences and seales to all intents and purposes to bee void: Whereuppon it is ordered and also further enacted that those persons whoe have neglected to produce theire said evidences, grauntes, and specialties, to bee looked into by the Maior and Corporacion heerafter shall receive no benefitt of the same.

"It is enacted also, with consent aforesaid, that no freeman or other dweller within the county of the said towne shall buy anie manner of corne or graine, other than for provision of his own house onlie for a yeare. But such person offending contrairie to this act shall forfeitt the grayne so bought unto the Corporacion, for the first offence; and, offending so the second tyme, shall remaine in prison untill hee or they give good security to the Corporacion never to doe the like.

"Yt is also further enacted that no aquavite shalbee made or distilled henceforward within the county of the said towne by anie manner of person or persons whatsoever (other than for their owne private drinking) yf the peck of barley mault at the tyme of making the said aquavite shall excede the pryce of eight shillinges and sixpence sterling, the peck of oaten mault four shillinges and six pence sterling, and the peck of wheat the pryce of twelve shillinges sterling. Likewise, that no strong beere, otherwise called Marche beere, shall henceforward bee brued and solde within the saide towne and county by retail so long as wheat and mault shall exceed the foresaid prices. But the person or persons so offending for the first offence shall forfeit five poundes sterling to the said Corporacion and from thenceforth give good securitie to doe the like noe more.

"RICHARD MARTINE, Maior.

fol. 140.

"Anno Domini, 1622, the xxix September, Patrick Martin Fitz, Walter, Mayor; James Linch and Piers Martin, Sheriffes."

fol. 141.

"Anno Domini, 1623, the 29 day of September, Marcus Og French Fitz Marcus, Mayor; James Linch and Geffrey French, Sherriffes.

List of Aldermen.

"Memorandum: That xx. daie of June, 1624, the aforesaid Maior [and] Sheriffes, with the consent of all the Burgesses and Comonaltie of this his Majestie's towne of Galwey, have graunted that Edmond Bourke, of Killcornan in the countie of Galwey, Esquire, Walter Bourke, of Turlaghe in the countie of Mayo, Esquire, and Donnell Me Robweke Brimighame of Galwey, shalbe Freeman and Burgesses of the said towne, the said Edmond Bourke, Walter Bourke, and Donell Mac Robweke Brimighame to have, use and enjoye the same liberties and freedom with the appurtenances to them and everie of them there heires lawfully begotten of there bodyes for ever, in as lardge, ample and beneficall manner as any other merchaunte or merchauntes of the anciente nhabitantes of the said towne of Galwey aforesaid, and shall

warrant and defend for ever theforesaid Edmond Bourke, Walter Bourke, and Donnell Mc Robweke Brimighame, againste us and our successors by theis presents : Provided alwaies that the said Edmond Bourke, Walter Bourke, Donell Mc Robweke Brimighame, theire heires or the heires of either of them aforesaid, concerninge tradinge or inhabitinge in the said towne of Galwey shall beare and pay all such skott, lotte and other taxacion as by equall contribucion shalbe chardged upon them or any of them according to the grante under the common seale to that effecte.

"Anno Domini, 1624, the twentieth nyne of September, Roberte fol. 142.
Blake Fitz Walter Fitz Thomas, Mayore ; Geoffrey Freinche and John Blake, the forsaid Mayor his eldest sonn, Sherriffes.

List of Aldermen.

"Memorandum : That upon the first day of February, anno Domini, 1625[-5], in a Gennerall Assembly holden in the Tolshell howse, it is agreed that no butcher within this towne or liberties thereof shall sell or make away any fresh salt beeffe or porke to any merchant stranger or dynesyn, to be transported over seas, but such proportion as shalbe thought fytt by the said Mayor and Sherriffes for the tyme beinge, for the provision of any shipp or bark, according to there discrecions, upon forfeytur of all such beeff or porke as shalbe sold or transported. Dated the above day and yere. "ROBERT BLAKE, Mayor.

"Anno Domini, 1625, the 29 day of September. Thomas Lynch fol. 143.
Fitz Nicholas Fitz Stephen Fitz Arthure, Mayor ; Walter Browne and William Blake, Sherriffes, 1625.

Lists of Aldermen and "Privatt Councillors."—"Sir Henry Lynch, Baronet and Recorder."

"Galwey, vicesimo die Februarii, anno Domini, 1625[-6] : coram fol. 143b.
Thoma Lynch, Maiore, Waltero Brown et Wilielmo Blake, Vicecomitibus dicte ville, et liberis Burgensibus et Comunitate ejusdem villæ.

"Statutes and ordinances made by the aforesaid Mayor, Sheriffes, free Burgesses and Comonalty of Galwey aforesaid, for the better government of the same towne :

"First, they ordaine and establish that every Mayor of the same towne, for the tyme being, in the disposing and distribucion of any estate, possession, office, rentes, revinues, right, title or interest whatsoever, reale or personall, belonging to the said Corporacion and in the publike government of the same, shall use and crave the helpe, ayde and assistance of the greatest number of the Corporacion that shall have voyces in the Towlsell house of the said towne, without which there shalbe noe alienacion, estate, dispossitione or distribucion made of any of the estates, possessiones, offices, rentes, revenues, duties, goods or chattles of the said Corporacion, nor proceeding in any matter concerning the publike weale and government of the same, and if there be it shalbe voyde and of noe effect in lawe : Provided allwayes that all proceedings and other matters concerning the pleas and matters of the Crowne, and appertayning to cognizance of all other pleas, shalbe discussed and determined before the judges or other officers of this Corporacion respectively appointed and limited by the severall charters of the same, according to the said charters, and not otherwise.

"Item : That noe Mayor or other magistrate of the said towne shall receive or collect the revenues, rentes, duties or subsidies belonging to the said Corporacion, nor any parte thereof, but that the nowe receavors elected by the said Corporacion, and theire Receavors for evermore by them to be appoynted, shall receive and disburse the same for the

ARCHIVES OF
TOWN OF
GALWAY.

Corporacion use as the greatest parte of the said Common Councell shall assigne.

"Item: that the Mayor thereof, for the time being, presently after Michaellmas yearly, shall cause an inquiry duely to be made of the cariadge and demeanor of the Mayor that last preceeded him; soe that if uppon due examinacion it appeare the said Mayor the yeare before extorted uppon the said Corporacion, or otherwise misdeameaned himself in his place, that then the same Mayor for the tyme being doe cause him to make full satisfaccion and inflict further punishment uppon him beinge in all these allwayes conformable to his Majestie's lawes.

fol. [144].

"Item: Whereas heretofore in the Maioralty tyme of Nicholas Lynch, fathier to the said Thomas Lynch, it was enacted that whoesoever should irreverently in evill language abuse the Mayor for the tyme being of this towne, that he should forfeite ten poundes sterling and suffer imprisonment; and whereas alsoe, all others that would abuse in like manner any other officers of the same towne should respectively be imprisoned and pay fynes at large expressed in the same act, that now it is agreed that any whatsoever shall scandalize and unmannerly behave himself in speeches to the Mayor for the tyme being shall forfeite twentie pounds sterling, to be levied by distresse or otherwise, to the use of the Corporacion and shalbe imprisoned. And in like manner it is concluded that all other offending the residue of the officers of the saide towne each of them shalbe punished with corporall imprisonment and forfeiture of mony remembred in the said ordinance made in the said Maior Nicholas Lynch his tyme: Provided alwayes that the same be proved by two witnesses at least before the said Mayor and Common Councell.

"Item: Whereas there are dailie greate enormities disorders and abuses found in the Generall Assemblies and meetings of this Corporacion in their Common Hawle, by reason of some indiscreet persones that have a voice among them, which vexes them very much; wherefore it is accorded and established that the Mayor with the Common Councell of this towne shall reduce all the said Generall Assemblies to such a certayne number of the said Corporacion as they shall from tyme to tyme lay downe and nominate in writeing, and every of those shall take his place and seate according to the ould customme, uppon payne of five shillinges sterlinge, to the use of the Corporacion, for each default, and that none other shall nor ought to claime or provide any voice or woord than whereby such unruly persones as disturbe the common goode be excluded from hence.

"Item: That whoesoever of the towne shall labour or practise to gaine woordes for to make a Mayor, Sheriffe, or any other officer whatsoever within this towne, shall forfeite fortie shillings sterling, lawfull English mony, for each default or voice laboured or procured by such sinister or undirect practiz, the same being proved by twoe witnesses at least before the said Mayor and Recorder, or found by a presentment either in the Court Leete or Quarter Sessiones to be held before the said Mayor and Recorder, which is more strictly to be observed because the said Corporacion doth and hath found the greate abuses heretofore in this kinde committed by fellows that conspired to make somtymes the principall officers of this towne by getting and procuring woords aforehand, not weighing or regardinge their value or honestie but of a meere factione and will, the which wee intend bee suppressed and officers thereto be ordayned for their deserete value and goodnes.

fol. [144b].

Item: That the measures of pecke and meaog, nowe in the towne seller, shall for evermore stand, without being in anything encreased or diminished, and that all kindes of corne heere shalbe bought and

sould by the foresaid measures, or by other measures made to that stampe and size ouely, and any contemning herein by buying or sellenge in this towne with measure or measures of any [other] size shall forfait for each default twentie pounds sterling to the said Corporacion, to be levied of the goods and chattles of the partie offending by bill or accion of debt or by way of distresse after that the same shalbe proved by two wittnesses, as is aforesaid, or presented in maner before specified.

"Item: That all and every of those that bring corne to the markett to be sould shall have all and every of their corne of what kinde soever at their and every of their pleasures from, to, and in the markett, without any interruption and without pressing any of it to the common celler, or, reteyning it to other markett dayes, in case it weare not sould that markett daye they bringe it hither, as abusedly was done heretofore, to the greate discomfort of the sellers of corne.

"And wee further order that the Mayor thereof for the tyme being shall either oversee the same in person or shall ordaine every markett daie there sufficient overseers of the same, whereby all good order there be observed together and with those afore remembred.

"Fynally, we conclude that noe outerye, houling or shootinge¹ be made in or out of the streetes of this towne uppon the buriall or at the buriall of any deceased person or persones whatsoever within this towne, but that all such barbarous courses be given over, on payne of five shillings English mony for each abuse in that kinde, to be levied by action of debt or distresse of the goods and chattles of the partie offending herein, the same being proved or presented, as is aforesaid, or donne in the presence and viewe of the Mayor, or one of the Sheriffes, for the tyme being, whereby all and every corpes be caried to his grave here in a sivill orderly fashione, according to the forme in all good places observed.

"THOMAS LYNCH^[H]E, Maior.

"James Lynch Fitz Martin Fitz Williame, Mayor; Jasper Martin fol. 145. Fitz Nicholas, and Marcus Skeret, Shirriffes, 1626.

Lists of Aldermen and "Privatt Councillors."

Sir Richard Blake Fitz Robert Fitz Walter Fitz Andrew, Knight, fol. 146. Mayor; Edmond Kirovan and Nicholas Blake, Shirriffes, 1627.

Lists of Aldermen and "Privatt Councillors."

. . . Galway et Comitatus: xvii die Maii, anno Domini, 1628: Coram fol. [147²].

Richardo Blake, milite, Maiore dicte ville et comitatus, et Edmondo Keirwann et Nicholao Blake, armigeris, Vicecomitibus, et liberis Burgensibus et Communibus ejusdem ville et comitatus.

"Followeth certaine actes and ordinaunces made by the foresaid Maior, Shirriffes, Burgesses and Comonaltie for the furthering of this commonwealt:

"Forasmuch as the grace of God is the best revennewe of this towne, and his blessings our greatest rentes, and that charities, devotions and distributions (whereby wee ought to expresse our humble thankfulness) are according His Divin provi[de]nse a hundred foold rewarded both in this and the other world:

"It is ordained and established by the Maior, Sherriffes, free Burgesses and Comonnaltie of Galiway aforesaid, that the collectors of the rents and revennewes of this towne shall once everie yeare (after the dischargd of all stipends pensions of officers, and exchequer rentes and all due debtes which shall be agreed uppon by the Corporacion to be

¹ Shouting.

² The leaf is reversed in the Ms.

ARCHIVES OF
TOWN OF
GALWAY.

satisfied) pay and distribut tenn pounds sterling (if soe much shall remaine uppon their handes) to and betweene the poore widdowes of the birth and bloode of the towne (whose names they shall present to the Maior and his Councell and by them shall be allowed of) in imitation of that good widdowe (comended by Our Saviour) whoe did cast her two mites into the treasurie, and in hope that the supplieing and refreshing of the needefull exigentes of the pcore may increase our comings in and thereby enable us to doe worke tending to God's glorie and the good of the commonwealth.

"Whereas divers sturdie beggers and younge fellowes pretending themselves to be schollers doe dailly in great numbers flocke and resorte to this towne from all partes of the kingdome, which is not onely dangerous to the Corporacion by harbouring such multitudes and unknowne straunge personnes, but also disableth the inhabitantes from havinge anie meanes to relieve their own people or such younge schollers of the birth of the towne, who have a desire to studie and learne: It is therefore ordred in oppen courte, by common consent, that such forreigne beggars and all pretended schollers beinge borne out of this towne and countie therof and not licenced by the Maior or Sheriffes, shall with all expedicion be conveyed by the severall constables of the frauncheses into the way leading towards their owne native countrie, with directions that if any [of] them or any other forraine beggar or poore scholler doe returne thereunto againe without licence, as aforesaid, that they shalbe whipped out of this towne and countie, that the porters of anie gate through which anie such beg[ger] or poore scholler shall come shall forfeit five [pounds] sterling as a f[ine] to the Corporacion for his or their negligence in suffering [them] to come to the towne, to be leavyed by distresse or action of debt, and to be further punished at the Maior's discrecion.

fol. [147b].

"It is likewise ordered, for the better detection and discovery of those forraine beggars, by the consent aforesaid, that everie one of such poore and needie men borne in the towne as shalbe allowed of to begg shal have a lead[en] token or marcke fastened to his capp, to distinguish him from others; and for better knowledge that this order sha[ll] be duely executed, that everie schoole-master shall once everie quarter of a yeare deliver a noate or liste to the Maior, for the time being, of all their schollers and of what places they name themselves; otherwise any such maister neglecting to performe this, to forfeit tenn shillings to be leyed by distress or accion of debt, as aforesaid.

"It is further ordered that the severall Counstables of the severall quarters and frauncheses of this towne shall inquire and s[ee]k out all idle and maisterlesse personnes and such others as shall not finde maisters or men of qualitie to undertake for them, and them to comitt to the jaole there to be restrained untill they finde securitie before the Mayor or some of the Sherriffs to departe the towne and not to returne againe in that lawless manner.

"Forasmuch as divers straungers and some of the towne do keepe blinde ale houses, who are neither fitt or able [to] intertaine through-farers and passengers, and that com[monly] such are the relievers of idlers and mallefactors whoe, by cheating, cousening and villanies, doe disturb the quiett and peace of this towne, and by their continuall brewing and selling of beere, ale and aqua vite doe occasion great dearth of all manner of corne:

"It is therefore ordered by the Maior, Sheriff, free Burgesses and Commonaltie of this towne of Galway, that the seserall Constables of the sev[erall] quarters and frauncheses of this towne shall a[t] everie Quarter Sessions present the names of all such persones and of all others

that doe sell beere, ale or aqua vite, to the end that a certaine number of select men should be named by the Mayor and his Councill and licensed to doe the same, and everie other person whoe in disobedience shall retaille any to be imprisoned, upon prooffe and due presentment made thereof, and fyned at the Mayor's discrecion.

ARCHIVES OF
TOWN OF
GALWAY.

fol. 148.

"Memorandum: That upon an indictment found by the Grand Jurie impannelled by the Maior and the Lords Justices of Assises held for this towne and the countie therof, the first daie of August, 1628, it was ordred that everie man that had inclosed any parte or parcell of the common land of this town, by hedging, ditchinge, or otherwise, should, within the space of tenn daies next and immediately after the said first daie of August, breake prostrat and fall downe the said hedges, ditches, or other fences, uppon paine of forty pounds sterling uppon everie particuller man, to be estreated to his Majestie's Courte of Exchequer. Which order the said Maior hath accordingly putt in execucion, and caused all those hedges, ditches, and fences to be throwen downe, prostrated and demolished, whereby the inhabitantes of this towne in generall have the benefit of the said lands in common, accordinge to their accustomed use, right, title, and intrest.

"Memorandum: That this yeare it hath pleased the Kinge his most excellent Majestie by his Highness Commission under the broade seale, to make the Maior of this towne, for the tyme being, to be one of his Majestie's Counsell for the government of this towne and countie, and the countie of Gallway at lardge, and likewise to joyne him with the Governor of those counties in the Commission that he hath for the execution of martial lawe.

"RICHARD BLAKE, Maior.

"Marcus Blake, of Gallway, Alderman, being uppon Lamas day last, according the charter and custome of the towne, by a free and unanim[ous] consent elected Mayor thereof for the succeeding yeare, it pleased God Almighty uppon Michaelmas day in the moorning to call him out of this transitorie liffe to the everlasting, and out of the chiefe chaire of this towne, whereof hee was to take possession, unto a better and more glorious seate in Heaven, (as wee all hope, and as the integritie of his life gives us assurance of,) after his decease, (which was deservedly much lamented,) the Corporation, made choise of Nicholas Lynch Fitz Jonikin, Alderman, to be Mayor for the said yeare: 1629. fol. 152¹.

"Nicholas Lynch Fitz Jonikine, Mayor; Stephen Lynch, his son, Recorder; Martin French and Alexander Bodkin, Shirifes, 1629. [fol. 153].

List of "The Councill."

"Galwey, xxxiiii September, anno Domini, 1631; coram Nicolao Linche, Maiore, et sociis suis. fol. [153b].

"Memorandum: That, the day and yeare aforesaid, in a Generall Assembly held by the Maior, Burgesses and Comonaltie of the towne of Galwey aforesaid, by generall consent and voice, for the comfort, ease and good of this Corporacion, and at the procurement of Sir Vallentin Blake, Knight and Baronet, a principall member thereof, they have reduced and abated all the towne subsidies to thone haulfe, to witt, whatsoever thereof was reared heretofore thone haulf thereof to be forgiven and the other haulf onely of that town subsidie to be reared and collected for the Corporacion's use, and noe more, and to be alwayes received by the collectors appointed by the Corporacion and not by the Maior.

¹ The Ms. does not contain any leaves between those numbered 148 and 152.

ARCHIVES OF
TOWN OF
GALWAY.

"S. Petri ad Vincula, primo die Augusti, 1630; coram Nicolao Linche, Maiore, et sociis suis.

"Memorandum: This day, according to the custome of the said towne, Sir Vallentin Blake, K[night] and Baronet, was ellected and chosen Maior, upon condicion that the Mai[or] for the tyme being hereafter shal have for each yeare onely twelve poundes sterling English money and not to intermeddle with the revenues of the tow[ne], and to performe and fulfill all former covenants by the former Maiors, and to enter security for the performing thereof, this twelve poundes being the stypend that the old Maiors had for that yeare of theire maioraltie, and the said Sir Vallentyne, for the good and ease of this Corporacion, gave his consent and free allowance.

"Memorandum: That, the day and yeare aforesaid, the Courte further concluded that the Recorder of this towne, for the tyme beinge, shall have per annum tenn poundes sterling English money onely and noe more, which said stypend was all that our first Recorder, Mr. Dominicke Martin, had, and Sir Harry Lynch, ellected Recorder after hym.

fol. 154.

"Sir Vallentyne Fitz Water Fitz John Blake, Knight Barronett, second tyme Mayor, in 1630; Stephen Lynch, Recorder; Francis Blake and Richard Kirowan, Shirriffes, 1630.

List of "The Councell."

fol. 154b.

"Gallwey, xxii die Julii, 1631: Coram Vallentino Blake, Milite et Baroneto, Maiore dicte ville, et sociis suis.

Upon great complaint and much grivance of our merchauntes and chieftest traders of this Corporacion, and of theire daylie losses sustained in the ventring of theire goods by sea, as will plainley appeare, to the utter undoeing and altogether impoverishing of many of the best . . .¹ of them, to the utter ruine and decay of their wives, children, and family, and witha[1] highly complained in all former years till this last yeare of Sir Vallentin Blake his Maioralitie, of the great chardge of subsidy which is now reduced to a moytie, besides his Majestie's great customes, and for these many yeares those great soomes so taken up being converted and tourned to noe good use nor benefit for the body nor yet for the common wealth of this Corporacion, but altogether converted to divers of the former Maiors and liberally given away (by them [who] payed nothing of it), by the augmentacion of stypendes and gifts, with other needless disboursments, that at every yeare's end, notwithstanding the greate receiptes of soomes of money, it falls out nothing to be paid nor yet left for the use nor good of the Corporacion; and withall and besydes all, as aforesaid, when any tax or levieng of moneyes commes uppon them, then presently a cutting is made uppon the whole inhabitantes and soe levied, to theire utter ruine and theire common purse left empty, as aforesaid, whereby they still hope . . .¹ to have some reliefe thereout. Tyme out of mynd, all our former auncestors Mayors of this Corporacion, well knowen be their actes and woorthy government, had noe more stypend allowed them by the Corporacion but twelve pounds sterling in theire yeare. The world may see what great and good common worckes, and specially their walles and streetes, have each of them don in the tyme of theire Maioraltie; and of late yeares a worthy gentleman, Sir Thomas Rotherham, Knight, being ellected Maior, made some suit to the Corporacion to bestowe uppon him that yeare one hundred poundes, which, as is said aforesaid, was . . .² graunted by them that were noe paymaisters of it. Soe

¹, ² Ms. indistinct.

that the Maiors succeeding him tooke the advantadge thereof and have made meanes to be their owne paimasters, forgetting their auncient and former predecessors' stypend allowed them upwards of one hundred and thertie years past:

"Likewise complaint being made concerning the Recorder of the unreasonable stypend given to a stranger in the tyme of one of our late Maiors, being thertý pounds sterling, which before was never allowed nor given to any of our former Recorders, but onely ten pounds sterling, they beinge of our naturall body of this comon wealth and learned in the lawe:

"All these aforesaid grivances being duely and truely considered by the Maior, Recorder, Aldermen, Shirriffes, Privy Counsell and the whole body of the Corporacion have ordered, established and confirmed for ever that noe Maior nor Recorder ever hereafter elected by the Corporacion shall have noe more stypend allowed him then the old auncient twelve poundes sterling, as this Maior, Sir Vallentyn Blake, had, and the Recorder ten pounds sterling, as this Recorder, Mr. Stephen Linch, had and so to continue successively and for ever. It is also enacted, established and confirmed that, afore any of them that shalbe put forth in electing for Maioraltie, afore he be elected [he] must give sufficient boundes to performe and accomplish all, as aforesaid.

"VALLENTYNE BLAKE, Mayor.

"Geffrey Martyn, Mayor; Robart Kirowan and John French Fitz fol. 156^l.] Stephen, Shirriffes, anno Domini 1631.

List of "The Councell."

"Galwey, 9 die Decembris, 1631: Coram Galfrido Martin, Maiore fol. 156^b. dicte ville, et sociis suis.

"Whereas, for many yeares successively, before the last yeare of the Maioraltie of Vallentin Blake, the Maiors of this towne had and received one hundred poundes for their stipend for the yeares of their Maioraltie respectively, with the allowance of the Corporacion, and that, upon their allowance of that stipend, it was provided and likewise enacted by the Corporacion generally assembled that [the] said Maiors, receiving the said stipend of one hundred poundes, should not take, receive, exact or intermeddle with any part of the towne subsidies, revenews or any other public perquisits belonging to the Corporacion. And where, uppon the election of the said Sir Vallentin Blake to be Maior, for the common good and benefit and easement of the Corporacion, he freely and voluntarily consented to accept of twelve poundes for his stipend, according the old custome . . ., nowe, at the request of Mr. Geoffrey Martin, Maior, to the Corporacion assembled, concerning the great charge and burthen of his place, for to have the accustomed stipend of one hundred poundes, it was thought fit and soe ordred and enacted by the consent and assent of the Corporacion, thereunto assembled in their Towlsell the day and yeare aforesaid, that for the good services the said Geoffrey Martin hath for many yeares hetherto do[ne] to the Corporacion, tending to their common good and benefit, he shall and may have for his stypend one hundred poundes sterling for this year of his Maioraltie, as his predecessors had for many yeares, upon the same conditions that are set downe in the tyme of the Mayoraltie of Doctor Thomas Linche,² notwithstanding the act, order or constitucion conceived the last yeare in the time of the Maioraltie of

¹ Fol. 156 follows fol. 154 in the Ms.

² A.D. 1625. See p. 471.

ARCHIVES OF
TOWN OF
GALWAY.

fol. 157.

Sir Vallentyne Blake, or any former acte, order or constitucion whatsoever.

“GEOFFREY MARTIN, Mayor.

“Galwey, the twenty-third day of Aprill, 1632 : Coram Galfrido Martin, Maiore ville Galwey, et sociis suis.

“After our hartie commendaciones : You may remember with how much importunitie you sollicited us by several letters to restraine the exportacione of corne from that porte [of Galwey] pretending an extraordinary dearth and scarcitie of graine in those partes, and albeite wee found reason to doubt (as by our letters wee signified to you) that your request in that particular was accompanied with some secundarie respectes not then made knowne unto us, yet, in respect of the specious pretences you made, wee did incline to your request, being unwilling to deny anie thing that might conduce to the publicque good. Since which time wee have received certificate from divers of the principall gentlemen of the county of Galwey, affirming that there is plenty of corne there and that a Bristoll-bond barrell of wheat is usually sould for ix*s*. iii*d*. in the markets in that county, and that ther is no apparent danger of any dearth there.

“If this certificate be true, (which wee have noe reason to doubt, considering the qualities of the persones from whome it comes,) then have you much abused us in presuming by misinformation to drawe from us a direction in prejudice of the country ; and therefore we have thought fitt to send you heere inclosed a coppie of the said certificate, to the end you may see upon what ground wee question the truth of your informacion. And wee hereby require you, all excuses sett apart, to make your personall and undelayed apparance before us, to the end you may either justifie your informacion or bee procided against, for your miscarriage towards us, in suche sorte as we shall thinke fitt.

“And soe wee bid you farewell, from his Majestie's Castell of Dublin, xvii. April, 1632.

Ad[am] Loftus Canc.¹

John King.

R[ichard] Corke,²

John Bingley.

Ad[am] Loftus.³

To our loving friend, Jeffrey Martin, Mayor of Galwey.

“Wee, whose names ensue, do hereby certifie that the Bristoll barrell of wheate is ordinarylie sould at the marketts of this county of Galway at 9*s*. 4*d*. the barrell, and that there is greate quantitie of corne within the county, and no apparant danger of any dearth to ensue, and that the transportacion of corne out of this countie into foreyne parts would bee a meanes to encoradge plowemen to laboure and goe in their vocation, whereas the greate plentie of corne that remaines upon their handes, and which they cannot utter at any saveing price, will dishable and discouradge th[em] to continewe the plowe, the increase of corne being not sufficient at the rates now running to defray the charge of it, in that there is greater cause to feare a dearth by the neglecte and discontinuance of the plowe, which shalbe necessarily occasioned by the greate losse which husbandmen receive for want of utterance for their corne than can be expected by occasion of any inordin[ate] transportacion thereof into foreine partes. The 28th of March, 1632.

Thomas Peyton de Tuam.

James Darcy.

Malby Brabazon.

Thomas Lovelock.

Dom[inick] Brown.

Thomas Foster.

Jo. Donnellan.

fol. 157b.

¹ Chancellor, Ireland.

Richard Boyle, Earl of Cork.

³ Vice-Treasurer at Wars.

"Whereas the said commaundement and certificat was publickly r[ead] in open Courte, the day and yeare aforesaid, and that Marcus Linch Fitz John, and Geordge Linch were the procurers of the said comaundement and certificate against the said Geffrey Martine, Mayor, for restrayning of the exportacion a certaine quantitie of wheate laden by the said Marcus Linch in the harbour or creeke Meary, by the sea side, within the islands of Aren to be transported for the realme of Fraunce with liscence from the Corporacion, in the moneth of March last past, the said Marcus Linch having seene the great scarcetie of corne here at our markett of the town of Galway, that the poore comonaltie and the King's souldiers, lying in garrison here for the space of three monethes, viz. Januarie, February and March last past, could not have so much corne [in] the markett for their ready mony for their reliefe as might suplie their present wante.

"And forasmuch as the restraunte of the transportacion of corne in that tyme of scarcitie was by the consent and good allowance of the Corporacion, for the common goode and relife as well of the poor comonaltie as also for the relife of his Majestie's souldiours being in garrison here; and for that also the said Mayor must appeare before the said Lords Justices, in obedience of the said commaundement, and that the Mayor and Corporacion were now at this instant redy to appoynt Walter Blake Fitz Arthor, as their agent to answere unto dyvers suites depending against them in his Majestie's Courtes at Dublin, the Corporacion have thought fitt to stay the sayd Walter Blake, and ma[ke] choice and apoint the said Mayor to be their agent, as well to answer the restraint of corne in that tyme of scarcitie as also to answere unto all other matters depending against them in his Majestie's Courts of Dublin.

"And therefore the Mayor, Sheriffes, Burgesses, and Comonalty of Galway, in an Assembly held by them at the Towlsell of the said towne of Galwey, the xxiiith of Aprill, 1632, aforesaid, have agreide, concluded and condescended that the said Geffrey Martin, Mayor, shalbe their agent nowe for Dublin this nexte Easter Tearme, and after as occation shall require, aswell to answere the restraint of corne in the foresaid barque belonging to the said Marcus Linch, and all other barques or vessels belonging or appertayning unto other personnes that did purpose to entend to transporte any corne within this towne of Galwey, or any other harboures or creekes within the Islandes of Aren, during the foresaid tyme of scarcetie, as also to answere unto all such matters and suits in lawe as is now depending against the Corporacion in his Majestie's Courtes at Dublin; and that the Corporacion of Galwey aforesaid shall pay and satisfie unto the said Geffrey Martin, now Mayor, or his assignes, all such costes, chardges and domadges as the said Geffrey Martin shall hereafter sustaine concerning the premisses. fol. 158.

"And further the Corporacion hath likewise agreed and condescended that the som of three score poundes sterling, now remayning in the handes of Patrick Martin, of the Corporacion's mony, shalbe presently paid and delivered to the said Geffrey Martin, Mayor, nowe at his present journey going to Dublin, with condition that if his charges and expences shall not amount to the said som of three score poundes sterling, he is to restore the residue thereof to the Corporacion, and if it shall happen hereafter that the said Geffrey Martine shall sustaine any costes, chardges, domages and expences any way whatsoever, concerning the premisses, over and above the said som of three score poundes sterling, the Corporacion uppon the true accompt of the said Geffrey is to make full payment and satisfaction therof to the said Geffrey Martin, or his

ARCHIVES OF
TOWN OF
GALWAY.

assignes, without delay or contradiction. Dated the yeare and day aforesaid.

“ GEFFREY MARTIN, Mayor.

fol. 158b.

“ Galwey, xxviith July, 1632.

“ In a gennerall Asseisses held for the countie of the towne of Galwey, the Mayor and Lords Justices of Asseisses, at the Towlsell of the said town of Galwey, the yeare and day aforesaid, dyverse presentments then presented by the Grande Jury for necessary workes omitted to be made and don by the Mayor and Corporacion of Galwey. These presentments were likewise presented before the said Lords Justices of Asseysses about three haulfe yeares past, and an order taken by the said Lords Justices that those workes should be made and fynished within a yeare, or otherwise that a fyne of one hundred pounds sterling should be extreated in the Exchequer against the Mayor and Corporacion. And nowe the Lords Justices, at the earnest request of the Mayor and Corporacion, gra[nt] that the said fyne shall not be extreated at this tyme, with condicion that good and sufficient men of the Corporacion shall enter into a recognizance of one hundred and forty pounds that, within a yeare next after this o[ur] present Asseisses, the necessary workes following shalbe fynished. Yt was then thought fitt, condescended and agreed by all the brethren then assembled for prevention of the said fyne to be extreated in the Exchequer, and also that the workes in question is very necessary and convenient to be made and fynished; that the said Mayor shall enter in a recognizance of one hundred poundes sterling for the making and fynishing of the high way with our liberties all along neere Castell gate and thereabouts, the stayer of [the] little gate, and the stayer on the north syde of the greate gate, at the charges of the Corporation; and the now collectors shall enter in[to] a recognesance of 40*li.*, sterling, for the fynishing of the worke of Barcally, the great donghill neare the wall at the little gate next to Piers Linch Fitz John his garden to be taken from thence, the donghill next the Bride[well] without the little gate to be taken away, and the work nere the greate g[ate], unfynished in the yeare of the myraltie of Sir Vallentin Blake, to be likewise fynished at the Corporacion's chardges within one yeare next after date of theis presentes. And theruppon the said Mayor and collectors, by the consents and good allowance of the brethern then assembled, the said Maior and collectors acknowledged the said two severall recognizances before the said Lords Justices of Asseisses the day and yeare aforesaid.

“ GEFFREY MARTIN, Mayor.

fol. 159.

“ Apud Theolonium ville Galway, x. September 1632: coram Galfrido Martin, Maiore ville Gallwey, et sociis suis.

“ The Mayor, Sherriffes, Free Burgesses and Comonaltie of Galwey being this day assembled in their Towelshill, and taking into consideration the extraction, honest behaviour, and profitable endeavors of James Linch of Galwey, gentleman, and weighing his necessities and impotence occasioned by the visitation of God upon him, have given and by theis presentes doe give and graunt unto the said James, towards his reliefe for this present yeare ten poundes sterling, and for the next insuing yeares during the Mayor and Corporacion's pleasures, to be paid him out of the common purse of this Corporation, and the Receivers and Collectors of the Revenues of this Corporation are

hereby prayed, required and authorised to satisfie and pay the same unto the said James accordingly. Dated the day and yeare aforesaid.

“GEOFFREY MARTIN, Mayor.

ARCHIVES OF
TOWN OF
GALWAY.

“Oliver Martin, elected Mayor ; Andrew Browne, Fitz Oliver, and Edward French Fitz Patrick, Sheriffes, the first of August 1632.

“27 September, 1632.

“Memorandum : That the said Oliver Martyn was chosen uppon fol. 160. Lamas day last, without the opposition of any one man, to be Mayor of Galway for the succeedinge yeare, and Androwe Browne Fitz Oliver, and Edward Frenche Fitz Patricke, were then chosen to be Sherriffes of the said towne. After which time, viz. the xith day of this present monethe, came into the Towlsell Sir Thomas Rotherham, knight, Deputie Litenant Governor of the counties of Galway and of the towne of Galwey, and, then and there, in presence of the Mayor, Sheriffes, Free Burgesses and Comonaltie of Galwey, caused the Lords Justices and Counsell their letters of premonition to succeedinge magistrates to be publicklye reade, the tenor whereof sequitur in hec verba :

“After our heartie comendacions : Forassmuch as yt will much conduce to the furtheraunce of that worck of gennerrall reformation in point of religion, now in hand in this kingdome by his Majestie’s speciall commaundement, that all such as are trusted in places of justice or auctoritie in this kingdome, who by speciall obligacion of duties of their places are to apply themselves to these thinges which may advance his Majesties’s services, should not onley be conformable in religion but also take the oathe of supremacie accordinge to the statute seconde Elizabeth ; we have therefore thought fitt heareby to pray and requier you to signifie to the present principall officers of the severall corporate townes within that your governement, as we have don in other partes of the kingdome, that yt willbe expected from all Mayors, Recorders, Sherriffes, and other chief officers of every Corporation respectyvlv for this succeedinge yeare, that they be conformable in religion and take the said [oath] to be administered unto them according to the statut, and to let them knowe also that we have thought fitt to give them this tymelye premonition that so they may be the more inexcusable in case they shall notwithstandinge presume to offende.

“And so we byd you hartely farewell from his Majestie’s Castle in Dublin, 28 August, 1632.

Your very lovinge frendes,

Ad[am] Loftus, Canc.

R[ichard] Cork.

Charles Wilmot.

Baltenglas.

William Parsons.

Ad[am] Loftus.

After the readinge whereof, the said Mayor and Sherriffes ellected tooke the same to their consideration untill this present day, upon which day they signified in Courte that the Maior resolved since that with their (*oblit.*) saulftie of their conscience and allowance of the State they could not houlde their places, that they would not take the said offices upon them whereunto they were chosen, and therefore humbly prayed that the Corporacion would be pleased to make a new election of Mayor and Sherriffes in their places. Uppon which motion, the Mayor, Sheriffes, Free Burgesses and Comonaltie of this Corporation, this day

ARCHIVES OF
TOWN OF
GALWAY.

assembled in the Towlsell, elected George Martyn of Galwey, Alderman, to be Mayor for this present yeare, and Piers Martyn and Johnock Linch were elected and chosen Sheriffs for that yeare. And the Corporacion further concluded out of the towne revenues to pay and cleere the said Sheriffs quietus est because they paid (*sic.*) themselves when they were formerly Sheriffs of Galwey. Dated at the Courte house, the day and yeare aforesaid.

GEFFREY MARTIN, Mayor.¹

fol. 161.

"George Martin Fitz Walter, Mayor; Peares Martin Fitz Walter and Jonicke Lynch Fitz Peares, Shiriffes; Marcus Martin, Recorder, the nine and twentieth of September 1632.²

List of "The Councell."

fol. 162.

"The humble petition of Geffrey Martin of Galwey, Alderman: To the woorshipful the Mayor and Counsell of his Majesties towne of Galwey.

"Whereas the Mayor and Corporacion of Galwey heretofore have allowed to the said Geffrey Martin the yearely stipend of fortie shillinges sterling for keeping the accomptes of all debtes due upon the Corporacion aforesaid and all manner of debtes accompts and other demaundes due to the said Corporacion against divers private persons, in which your petitioner at all tymes hath shewed his care and diligence in performing of that charge according to the trust reposed in him by the said Corporacion.

"Alsoe, in the yeare of the Maioraltie of Nicholas Linch Fitz Jonickin, upon a commission from the Lord Deputie and Counsell, directed to the Maior of Galwey and other Commissioners, for to returne to the said Lord Deputie and Counsell, within a certaine day and tyme therein limited, a true inventorie of all such soome and soomes of money as the said Corporacion of Galwey have disboursed for the use of his Majesties army. And upon the execucion of the said Commission the Maior and Counsell have made choyse of your petitioner to make up a true and perfect inventorie of all such soome or soomes of money levied and lent for the use of his Majesties army. It was then thought fit that in consideration of the paines, care and diligence taken by your petitioner in making the said inventory, and alsoe for his further care and diligence in keeping the accomptes of all the moneys levied and lent for the use of his Majesties army for the tyme to come, that the said yearely stipend of fortie shillinges should be augmented to the soome of fower poundes (sterling) English money per annum, which your petitioner hath hetherunto received accordingly. Nowe, if it shall please your Worships to conferr upon your petitioner during his good behaviour the place of Chamberlaine of this towne, to which office properly belongs to recorde and register the accomptes and writings that concernes the same, and to continue the pencion aforesaid to your petitioner as a stypend to be impropriated to the said office of Chamberlaine, he will, God willing, with the furtherance and assistance of the Maior for the tyme being, performe the covenantes following, viz :

First, that all the debtes which did heretofore growe due upon the Corporacion these fiftie yeares past, and of the maner of the payment thereof, and likewise all such soome or soomes of money as is yet behinde

¹ A document of 1709-10, inserted in the Ms. between leaves 160 and 161, will be found at p. 519.

² See "Facsimiles of National MSS. of Ireland." Part IV.--2, Plate XLIX. London: 1884.

and unsatisfied, all which accomptes are contained in severall papers; noe man whatsoever can gather out of the said severall papers the particulars of all the paimentes heretofore made nor what is yet behinde and unsatisfied but onely your petitioner; and for your better satisfaction in that behaulfe your petitioner will make a faire large booke of accompte containinge the particulars of all such soome and soomes of money as the Corporacion did owe by theire common seale these fiftie yeares past, and the manner howe the same debt was paid and to whome, and what is yet behinde and unsatisfied, and to whome the same debt is due, so as in the life tyme of your petitioner and afor his decease it shall alwayes appear by the said booke of accompt all the debtes due uppon the said Corporacion by theire common seale and what is remaining unsatisfied, and to whome; and allsoe what debt is due to the said Corporacion upon private persones and the particular names of all such private persons upon whome the same debt is due.

Secondarilie, that the said newe booke shall containe all manner of debt that shall hereafter growe due upon the said Corporacion and the manner of the paiment, and to whome.

Thirdly, that the said booke shall containe all such some or somes of money as the inhabitants of the said town of Galway have paid towards the reliving of his Majesty's army and all such some or somes of money lent by the said Corporacion, as well in the tyme of our late Sovereign Lord, King James of famous memory as also by the tyme of our nowe Sovereigne Lord, King Charles, and upon what warrant those moneys w[ere] paid, and to whome, as by the particulars in the same shall and may appeare.

Fourthlie, that the said newe booke shall containe the accomptes of the Collectors and Receivers of the towne renewes the tyme past, and also for the tyme to come, that thereby the Corporacion may know what was received by the Collectors every yeare, and howe the same was disboursed to the use of the same Corporacion, and also that it may be further knowen what some or somes of money the Collectors have already paid, or will hereafter pay for the Corporacions debt or by the appointment of the said Corporacion, which is very necessarie to be knowen and intred in the said booke of accountes least any man hereafter through forgetfullness or otherwise should demanda any second paiment, and also if the Collectors themselves should any way fall in areire to the Corporacion in theire (*oblit.*) that by the same booke of accompt the Collectors may make paiment and satisfaction to the Corporacion for those areires.

"Fifthly, that all the letters to be written to the State, and all the answers from the State, and all other matters of consequence from the State, shalbe registred and inrolled [in] the said booke, verbatim agreeing with the originall, that the same may be forthcomming to [be] shewed upon all occasions.

A covenant to be performed by the Maior for the tyme being, if your woorships thinke it meete and convenient, viz., that all such dedes and other writings that (*oblit.*) passe either for debt, gift, commission, freedom or otherwise under the common seale (*oblit.*) shallbe alwayes first preferred to the Mayor and Corporacion in a Generall Assembly, and if the Maior and Corporacion, upon good consideracion and lawfull cause, be pleased to graunt the passing of the common seale upon the contentes of any such peticion, that the peticion and the cause why the common seale should passe shalbe inrolled in the said Geffrey Martin his office, and a certificate under his hand, acknowledging the inrolment thereof, to be first had before the common seale shall passe.

fol. 162b.

ARCHIVES OF
TOWN OF
GALWAY,
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Also that the Maior for the tyme being shall not hereafter pay or cause to be paid any some or somes of money for the Corporacions debt nor give in any warrant to the Collectors for the payment unto any private person [or] persones whatsoever, untill, upon the perusing of the said booke of accompt, it shall appeare what some or somes of money is due to any such private person, or whether any parte thereof was already satisfied by the Corporacion, soe as thereby the Corporacion may have noe wrong in matters of accompt, and that every private person may be satisfied of his just and lawfull demand according to the said booke of accompt. This woorke cannot be well effected except the Maior for the tyme being do give his best further[ance] and assistance to your petitioner for the performance of the covenantes aforesaid. Otherwise, if anything shall passe in the behalfe of the Corporacion without the privytie of y[our] petitioner, all his labour wilbe lost, the said booke of accompt cannot be well kept, nor your petitioner cannot resolve the Corporacion howe thinges hath bene either justly or unjustly carried. All which your peticioner doth referr to your wisdome [to] be considred of.

“Galwey, xxii September, 1633 : Coram Georgio Martin, Maiore, etc.
“The Common Councell, the day and yeare aforesaid, have generally agreed and concluded withall the contentes of the foresaid petition, it being much important to the comon good of this Corporacion. Which was alsoe graunted and agreed upon afterwardes in open Courte.

“GEORGE MARTIN, Mayor.

“MARCUS MARTYN, Recorder.

“PIERS MARTIN, Vice[comes.]

“JOHNECKE LYNCH, Vice [comes.]

- fol. 163. “Patricke Freinche Fitz George, Mayor ; George Freinch Fitz Patricke and Walter Blake Fitz Androwe, Shiriffes, anno Domini 1633, Stephen Lynch, Recorder.
List of Aldermen and Councillors.
- fol. 164. “Sir Dominicke Browne, Knight, Mayor, Michell Lynch Fitz Stephen, and Dominicke Lynch Fitz John, Shiriffes, anno Domini 1634 ; Stephen Lynch, Recorder.
List of Aldermen and Councillors.
- fol. 165. “Nicholas Linch Fitz Marcus, Mayor, anno Domini 1635 ; William Linch Fitz Androwe, and Christopher Bodkine Fitz Thomas, Sheriffes ; Steephen Lynch, Recorder.
List of Aldermen and Councillors.
- fol. 166. “Anthony Lynch Fitz James, Mayor, anno Domini 1636 ; Geffrey Fount and Dominicke French, Sheriffes ; Thomas Lynch, Recorder.
List of Aldermen and Councillors.
- fol. 167. “Sir Thomas Blake, Baronett, Mayor, anno Domini 1637 ; Marcus Lynch Fitz William, and James Lynch Fitz Stephen, Sheriffes ; Thomas Lynch, Recorder.
List of Aldermen and Councillors.
- fol. 167 b. “Comitatus ville Gallvie, xxv. die Januarii, 1638 : Coram Thoma Blake, Baronet, Maiore dicte ville, [cum] sociis suis.
“It is this day agreed uppon in open Courte, by common consent and most voice, that Frauncis Athy should hould the parsonnes tiethe within

the parish of St. Nicholas for one whole yeare, beginning uppon Candellmasse day next ensuing the date hereof, and soe to continue from yeare to yeare so long as the Corporacione houldes the same. The said Frauncis Athy, his executors or assignes, yeelding and paying unto the Receavers of the towne revenues every yeare the some of fourteen p[ounds] sterling currant lawfull mony of and in England at one whole and intire payment, to the use of the Corporacions.

ARCHIVES OF
TOWN OF
GALWAY.

“THOMAS BLAKE, Mayor.

“Com: ville Gallvie primo die Augusti, 1638: Coram Thoma Blake, Baronet, Maiore dicte ville, cum sociis suis.

“It is this day agreed uppon in open Court, in a Generall Assembly held by the said Mayor and Corporacione, by comen consent and most voice, that all such Aldermen, Sheriffs, and former Sheriffs shall waite uppon the Mayor in their gownes every Michaelmasse and Lamasse day, and alsoe the coming of the Lords Justices of Assesises, and at every sessiones, and at burialles, on paine of forfeiting of tenn shillinges sterling for every default of the delinquent.

“Com: ville Gallvie, primo die Augusti, 1638: Coram Thoma Blake, Baronet, Maiore dicte ville, cum sociis suis.

“Item, it is this day agreed uppon in open Court, by comon consent and most voice, that every yeare there shalbe elected and chosen two of the Freemen of this towne for to be Receavers and Collectors of all the towne revenues, as well charter customes, subsidies, rentes, and other duties due unto the said Corporacione, and whatsoever two that sha[lbe] soe chosen and elected in open court shall enter sufficient bondes of tw[o] thousand poundes sterling currant English money for to yeeld a true and just accompt to the said Corporacione of all their receiptes for that yere wherein they are chosen, and the bond to be perfected before they or any [of] them doe medle with any of the Corporacionss monyes.

“Com: ville Gallvie, primo die Augusti, 1638: Coram Thoma fol. 188.
Blake, Baronet, Maiore dicte ville, cum sociis suis.

“A copie of Sir Francis Willoughby, Knight, his comon seal for his freedome:

“To all Christiane people to whome these presentes shall come: Know yee that wee, Sir Thomas Blake, Barronet, Mayor, Marcus Lynch and James Lynch, Esquires, Sheriffes, and the Free Burgesses and Comonaltie of the towne and count[ie] of the towne of Gallwey, for divers weightie and sundrie good consideracions and causes us thereunto moving, have given, granted, and confirmed, like by these presentes wee doe give, grant, and confirm, unto the Honourable Sir Francis Willoughby, Knight, Deputie Liutenant Governour of the countie of Gallwey and the towne of Gallwey, all the right and privileges of a Freeman of t[he] said Corporacione, and by these presents doe admitt him to be one of the Free Burg[esses] and Freeman of the said towne of Gallwey, in as large and ample maner as any of the Freeman and ancient Burgesses of the said towne have or did enjoy the same. To have and to hould the said Freedome, together with all the liberties, priviledges, immunities, thereunto incidently or belonging unto the said Sir Francis Willoughby, Knight, and his heires, from us the said Mayor, Sherriffs, Free Burgesses and Comonaltie, and our successors for ever In wittness wher[eof], wee, the said Mayor, Sheriffs, Free Burgesses and Comonaltie, have hereunto set our comon seale at our Court house,

ARCHIVES OF
TOWN OF
GALLWAY.

this first day of August, in the ye[are] of our Lord God, one thousand, six hundred, thirtie and eight, and the fourteenth yeare of the raigne of our soveraigne Lord, Charles, by the Grace of God king of England, Scotland, France, and Ireland, Defender of the Fayth, etc.

“Com : ville Gallvie, primo die Augusti, 1638.

“A copie of Thomas Boorke, of Pallice, Esquire, his comon seale for his freedome.

“To all Christian people to whome these presentes shall come, wee, Sir Thomas Blake, Baronett, Mayor, Marcus Lynch and James Lynch, Esquires, Sheriffes, the Free Burgesses and Comonaltie of the town and county of the towne of Gallwey send greeting in our Lord God everlasting :

“Know ye that, for the good liking, decerts, and honest behaviour of our welbeloved coozen, Thomas Bourke, of Pallice in the county of Gallwey, Esquire, and many other good causes and considerations us thereunto moving, wee the said Mayor, Sheriffes, Free Burgesses and Comonaltie hath given, graunted and by these presentes for us and our successors doe give and graunt unto the said Thomas Bourke all the right and priviledges of Freeman of the said Corporacione, and by these presentes doe admitt him to be one of the Free Burgesses and Freemen of the said town or Corporacione of Gallway in the Guild or Fraternitie of the said Burgesses and Marchantes of the said towne, the said Thomas Bourke to have, use, and injoye the same libertie and freedome, with the appurtenances, to him and the heires males of his body lawfully begotten, or [to] be begotten, for ever, in as lardge, ample and beneficiall maner as any other Burgess, Marchant or Marchantes of the auncient inhabitantes of the towne use or ought [to] use the same : Provided allwayes that the said Thomas Bourke and the heires males his body shall pay and beare from tyme to tyme for ever hereafter all scot lott, tax[es], talladges and incombrances raising and falling in the said towne, as by equall contriбуtions and contriбуtions with the rest of the neighbours, Burgesses and merchautes, shalbe sessed and allotted uppon them for ever. In wittnes whereof, wee, the said Mayor, Sheriffes, Free Burgesses and Comonaltie, have hereunto set oue comone seale.

“Dated at our Towlsell, or Court-house, in Gallwey aforesaid, the first day of August, in the yeare of our Lord God one thousand six hundred thirtie and eight, and the fourteenth yeare of the raigne of our most gracious soveraigne Lord, Charles, by the grace of God king of England, Scotland, France and Ireland, Defender of the Fayth, etc.

fol. 168b. 1

[Com:] ville Gallvie, primo die Augustii, 1638: Coram Thoma Blake, Baronet, Maiore dicte ville, cum sociis suis :

“A copie of James Og Lynch his comon seale for tenn poundes a yeare :

“To all Christiane people to whome this present writing shall come, Sir Thomas Blake, Barronet, Mayor, Marcus Lynch and James Lynch Esquires, Sheriffes, and the Free Burgesses and Comonaltie of the towne and countie of the towne of Gallwey, send greeting in our Lord God everlasting : Know yee that wee, the said Mayor, Sheriffs, Free Burgesses and Comonaltie, having taken to our serious consideraciones the ong paynfull and profitable service donne unto us by James Lynch, of Gallwey, gentleman, in the traineing and breeding of the children of the members of this Corporacione for the space of thirtie yeares and upwards in good literature and sciences liberall, have thought fitt in his now

declining age to make him some recompence for his better maintenance and livlihood, and encouragment of others to follow such a generous vocation: In contemplacione and consideracione whereof, and other consideraciones us thereunto moving, wee, being this day assembled in our Towlsell have unanimously given, granted and confirmed, like as by these presents wee doe unanimously give, grant and confirme unto the said James Lynch and his assignes an annuity of tenn pounds sterling per annum, to be paid yearely at the usuall feastes of Michaelmasse and Easter by even and equall porciones. To have and to hold the said annuity to the said James and his assignes for and dureing his naturall life, payable at the dayes aforesaid.

“In wittness whereof, the said Mayor, Sheriffes, Free Burgesses and Comoraltie have hereunto put their comon seale, the first day of August, one thousand six hundred thirtie and eight.

“THOMAS BLAKE, Mayor.

“Com: ville Gallwey, vicesimo septimo die Septembris, 1638: Coram Thoma Blake, Baronet, Maiore dicte ville, cum sociis suis.

“Whereas Anthony Lynch, Fitz James, and Andrew Kirow[an], Aldermen, a[nd] Stephen Kirowan, marchant, have brought a comaundement from the Right Honorable the Lord Deputie General of Ireland for the Mayor of Gallwey, the Recorder and the Sheriffs for to appeare in Dublin to shew cause, in the behaulfe of the Corporacione, about certaine complaites made by the said Anthony Lynch and Andrew Kirowan and Stephen Kirowan, as by the same comaundement then shewen in oppen court may appeare, it being for the lands of Ballibans in the East Franchises: It was therefor agreed uppon, by comon consent and most voice in oppen court, that, if the said Mayor and Sheriffs be compeled to goe to Dublin, that what cost they be at shalbe out of the comon pursse for to maintaine the said suite.

“Com: ville Gallwey, xxvii die September, 1638: Coram Thoma Blake, Barronet, Maiore dicte ville, cum sociis suis:

“Item, it was agreed uppon the same day in oppen court, by comon consent and most voice, that Sir Thomas Blake, Baronet, Mayor, shall overs[ee] the comon woork now in hand over the great gate before it be finished.

“THOMAS BLAKE, Mayor.

“xxvii. die Septembris, 1638.

“Item, in oppen Court, James Kirowan and Andrewe Martin weare ellected Receavers of the towne subsidies, duties, customes and revenues for the next yeare, uppon a condicione as aforesaid.

“To the Right Worshipfull, the Mayor, Aldermen, Burgesses, Comonalties and whole Corporacion of Gallway: fol. 169.

“Humbly shewing unto your worshopfulls Marcus Lynch and James Lynch, Esquiers, Shiriffes of this county of the towne of Gallway for this present yeare, that whereas all or most parte of your comon ground are reduced to incloseres and parkes to certaine particulare and speciall men of the towne for rents to be reserved to your common use, as you all doe well know, which said lands heartofore answered rentes and duties to the Shirriffes or Balliffes of this towne, and you alsoe haveing full notice of the extraordinary troubles and dangers the said Sheriffes must suffer in respecte of their place, as well for the saulftie in their gaole of the King's prisoners as in returning all his Highness writts and commaundes to them to be directed upp to Dublin and their extraordinary charges in casting or cleiring their account in his Majestie's

ARCHIVES OF
TOWN OF
GALWAY.

Court of Exchequer: In consideration whereof that your woorships may be pledge[d] freely to give them, the said Sheriffes, the rents now growing due for this present yeare out of the said common ground as a helpe towards the cleereing of their quietus est, and they shall ever praye, etc.

"Memorandum: That the Comon Cownsell of this towne did consider of this petition, and allowed to the Shirriffes for the time being the collecting of all fines due to this Corporacion, as well in their quarter seissones as otherwise wheresoever; and that the said Shirriffes for the time being of the same towne shalbe accountable therefor to the said Corporation and shall have thereout such competent allowance to the Corporations pleasure, and that noe Shirriffes thereof shalbe otherwise relived. And this act was confirmed in publike Court by the Mayor, Recorder, Aldermen, free Burgesses and Commonalties then assembled in their Common Halle, which therfor shall stand with us of forme for ever.

"THOMAS BLAKE, Mayor.

fol. 170.

"Sir Robuck Linche, Barronett, Mayor, A.D. 1638; Thomas Lynch Fitz Ambros, and Peeter Lynch Fitz Peeter, Shirriffes; Thomas Lynch, Fitz Marcus, Recorder.

"Aldermen:

- | | |
|---|--|
| 1. Sir Thomas Rotherhame, Knight and one of his Maiestie's Most Honorable Privie Counsell of Ireland. | 11. Nicholas More Lynch, Alderman. |
| 2. Sir Thomas Blake, Baronett, Mayor of the Staple. | 12. Nicholas Martin, Alderman. |
| 3. Sir Richard Blake, Knight. | 13. Frances Blake Fitz Vallentyne, Alderman. |
| 4. Sir Dominicke Browne, Knight. | 14. James Darsey Fitz Nicholas, Alderman. |
| 5. James Oge Darsey, Alderman. | 15. Andrew Kirowan, Alderman. |
| 6. Andrew Lynch Fitz John, Alderman. | 16. John Bodkin Fitz Dominicke, Alderman. |
| 7. Patricke Martine, Alderman. | 17. Walter Lynch Fitz James, Alderman. |
| 8. Geoffrey Martin, Alderman. | 18. Andrew Darsey, Alderman. |
| 9. Olliver Martin, Alderman. | 19. Androwe Browne Fitz Dominicke, Alderman. |
| 10. Patricke French Fitz George, Alderman. | |

"Counsell:

- | | |
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| 1. Sir Valleryne Blake, Knight. | 11. Peares Martine Fitz Walter, Burges. |
| 2. Patricke Darsey, Esq. | 12. James Kirowan Fitz Thomas, Burges. |
| 3. Richard Martine, Esq. | 13. Henry Joyes, Burges. |
| 4. John Blake, Esq. | 14. Robertt Joyes, Burges. |
| 5. Geoffrey Browne, Esq. | 15. Jasper French Fitz Andrew, Burges. |
| 6. Patricke Kirowan, Esq. | 16. Jasper French Fitz Peeter, Burges. |
| 7. James Darsey, Esq. | 17. Walter Browne Fitz Thomas, Burges. |
| 8. Thomas French Fitz Valleryne, Burges. | 18. Edmund Kirowan, Burges. |
| 9. Walter Blake Fitz Arthoure, Burges. | |
| 10. Androwe Browne Fitz Dominicke, Burges. | |

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| 19. John Blake Fitz Nicholas,
Burgess. | 22. Richard Kirowan Fitz Thomas,
Burgess. |
| 20. Alexander Bodkin, Burgess. | 23. Michell Lynch Fitz Stephen. |
| 21. William Lynch Fitz Andrew,
Burgess. | 24. Dominicke . . . |

ARCHIVES OF
TOWN OF
GALLWAY.

“Comitatus ville Gallvie, x. die May, 1639: Coram Roberto (*sic*) fol. 171.
Lynch, Baroneto, Maiore dicte ville, et socis suis, etc.

“Memorandum. That, the day and yeare aforesaid, in the Towlsell or Towne hall of Gallway, in a Gennerall Assembly held by the aforesaid Mayor, Alderman, Recorder, Shiriffs, Free Burgesses and Comonaltie of Gallway aforesaide, for the furtherance of the goode thereof, they all have and doe agree and conclude that at the common charge of this Corporacion all grauntes and giftes, under their common seale, of shops neere or at the market thereof shalbe bought. And forthwith afterwards likewise out of their comon pursse and charge the same shoppes and all the place of the saide markett that side as farr on the stone wall there being, which extends itselfe to the way into our parish Church of St. Nicholas, neere the kitchen and entry of Robert Martin, Alderman, deceased, his dwelling house shall be pulled downe, and soe all the same to be reduced into a strong, sufficient stone house, covered with stone slate, and to be underpropped with good stone pillars, whereby way through it shall be to the saide church as formerly it hath beene, and the upper partes to be made a faire comon Hall or Towlsell with convenient cham[bers] for the Common Counsell, and Town Clarke, for the safe keeping of all the towne records and writings, and finally they all doe conclude that yearely all the rents, duties, customes, subsidies, and revenues whatsoever, growing and ariseing to this Corporacion shalbe expended in and about the premisses, untill it be effectually erected, except the anuall paying of the Corporacion’s officers, their salaries, and other rents and duties to his Majestie, and the expences of suites in lawe.

“ROB: LYNCH, Mayor.

“[Comitatus ville] Gallwey, vicesimo octavo die Septembris, 1639: fol. 171b.
Coram Roberto Lynch, Baroneto, Maiore dicte ville, etc. :

“Memorandum: That, the day and yeare aforesaid, in the Towlsell or Towne Haule of Gallwey, a Gennerall Assembly held by the aforesaid Mayor, Alderman, Recorder, Shereffes, Free Burgesses, and Cominaltie of Gallway aforesaid, it was agreed and concluded as followith :

“Whereas John Hardinge, Clarke, Vice-Provost of the Colledge of of Dubline, hath beene, by the unanimous consent and vote of the Mayor, Sherriffes, Free Burgesses and Cominaltie of this towne of Gallway, chosen and elected Wardyn of the King’s College of Gallway: The said Mayor, Sheriffes, Burgesses, and Cominaltie this day takeing into consideration the dilapidations and ruynes of the said Colledge and the meanes and liveinge thereunto belonging, as also the meritt and integritie of the said John Hardinge, and his willingenesse to doe good in that place, and to restore the said Colledge to a decent state and order for the service of God, to the creditt and ornament of this town, and to the honnour and memorie of the founders and benefactors thereof, have, therefore, for the better inhableinge and encouragement of the said John Hardinge in his so pious intentions, and by way of thanckfull acknowledgment to the Right Honorable the Lord Deputy, and the Honorable Sir George Radcliffe, for their favours, who are pleased to recomend the said John Hardinge unto us, concluded, agreed and

ARCHIVES OF
TOWN OF
GALWAY.

promised, for us and our successors, that wee, the said Mayor, Sheriffes, Burgesses and Cominaltie, shall everie yeare duringe the naturall life of the said John Hardinge, upon the feast of Saint Peeter ad vincula, accordinge the power and priviledge given and graunted unto us by letters pattent under the broade seale of Englande, bearinge date the ninth of Aprill, in the fourth yeare of the raigne of King Edward the sixt, elect and choose the said John Hardinge to be Wardyn of the said Colledge of Gallway accordinge the tennor of the said letters pattentes, he, the said John Hardinge, demeaninge himselfe well and as becometh the duty of his place and his integritie to this Corporacion :

Provided allwayes that, if this act should any way tend to the avoyd-ance of the said letters pattentes, or to the losse of any priviledge or intrest thereby graunted unto us, that this act and every thinge therein containyd be taken for voyde, and as if it had never beene spoken or agreed upon.

“ ROB : LYNCH, Mayor.

fol. 173¹.

“ John Bodkin Fitz Dominicke, Mayor, A.D. 1639 ; Marcus Kirowan and Frances Athey, Sheriffes ; Thomas Lynch Fitz Marcus, Recorder.
List of Aldermen and Councillors.

fol. 174.

“ Frances Blake, Esquier, second son to Sir Vallentyn Blake, Knight and Baronett, Mayor, 1640 ; Geoffrey Blake and Martin Lynch, Shirriffes ; Thomas Lynch Fitz Marcus, Recorder.
List of Aldermen and Councillors.

fol. 176².

“ Com : ville Galway, 27 Septembris, 1641 : Coram Francisco Blake, Armigero, Maiore diete ville, cum sociis suis :

“ The coppie of Richard Dillon, of Cloonbrocke, Esquire, and John Browne, of the Neale, Esquire, their common seale for their freedome.

“ To all Christian people to whome theise presents shall come wee, Francis Blake, Mayor, of the towne of Galway, Geoffrey Blake, and Martin Lynch, Sheriffes of the same, and the Free Burgesses and Comonalty of the said towne send greeting : Know yee that wee, the said Mayor, Sheriffes, Free Burgesses and Comonalty, for divers good consideracions us moveing, and especially at the request and humble suite of our well-beloved brother, Sir Dominicke Browne, Knight, one of our Alderman of the saide towne, made to us at our Generall Assemblie holden in our Towlsell or Courte-house, the first day of August last past, in the behaulfe of his sons-in-lawe, John Browne, of the Neale, in the county of Mayo, Esquire, husband unto Mary Browne, the eldest daughter of the said Sir Dominicke Browne, and Richard Dillon, of Cloone Brocke in the county of Galway, Esquire, husband unto Gennett Browne, daughter alsoe of the said Sir Dominicke Browne, have, for us and our successors, given and granted, like as by theise presentes wee doe give and grant, unto the said John Browne and Richard Dillon, and the heires males of their body begotten, and to be begotten, upon the bodies of the said Mary Browne and Gennett Browne, for ever, that they and every of them successively shall and may be Free Burgesses of the said towne, and doe by these presents, for us and our successors, give and grant unto the said John Browne and Richard Dillon, and the heires males of their bodies by the said Mary and Gennett, as aforesaid, for ever, all and every the libertyes, priviledges, advantages, immunityes profittes and emolumentes whatsoever, in as lardge and ample manner as any Free Burgesse of the said towne hath had or enjoyed or heereafter shall, may, might, or ought to

¹, ² The Ms. does not contain leaves numbered 172 and 175.

have or enjoy by vertue of anie grants to us made or to be made by our Sovereigne Lords, Kings and Queenes of England. In wittness wheareof, wee, the said Mayor, Sherrifes, Free Burgesses and Comonalty, have heereunto put our common seale this six and twentyeth day of September, in the yeere of our Lord God, 1641, and in the seaventeenth yeere of the raign of our Sovereigne Lord, Charles, by the Grace of God, King of England, Scotland, France, and Ireland, etc.

“Sir Walter Lynch Fitz James Fitz Ambros, Mayor, anno Domini, fol. 177. 1641; John Martin Fitz Geffrey, and William Martin Fitz Nicholas, Shiriffes, Thomas Lynch Fitz Marcus, Recorder.

Sir Thomas Rotherham, knight,	Nicholas More Lynch, alderman.
alderman, and one of his	Vallentyne Blake, knight and
Majesties most honorable	baronett, alderman.
Privie Counsell of Ireland.	Nicholas Martin Fitz John, alder-
Sir Robucke Lynch, barronett.	man.
Sir Thomas Blake, barronett.	James Darsey Fitz Nicholas,
Sir Richard Blake, knight.	alderman.
Sir Dominicke Browne, knight.	Andrew Darsey, alderman.
Frances Blake, mayor of the	Walter Blake Fitz Arthur, alder-
staple.	man.
James Oge Darsey, alderman.	Androwe Browne Fitz Dominick,
Andrew Lynch Fitz John, alder-	alderman.
man.	Walter Browne Fitz Thomas,
Andrew Lynch Fitz John, alder-	alderman.
man.	Stephen Martin, alderman.
Oliver Martin, alderman.	Edmound Kirowan, alderman.

Counsell :

Patricke Darsey, esquire.	Michell Lynch Fitz Stephen,
Richard Martin, esquire.	burgess.
..... esquire.	Dominicke Lynch Fitz John,
Geffrey Browne, esquire.	burgess.
Patricke Kirowan, esquire.	John Lynch Fitz Anthony,
James Darsey, esquire.	burgess.
Pears Martin Fitz Walter,	Martin Lynch Fitz Anthony,
burgess.	burgess.
Henry Joyes, burgess.	Robertt Deane, burgess.
Jasper French Fitz Androw,	Nicholas Blake Fitz Anthony,
burgess.	burgess.
Jasper French Fitz Peeter,	Thomas Butler, burgess.
burgess.	Geffrey Fonth, burgess.
Nicholas Blake Fitz Robert,	Henry Blake Fitz Robertt,
burgess.	burgess.
Alexsander Bodkin, burgess.	John French Fitz Edmonnd,
John Blake Fitz Nicholas,	burgess.
burgess.	Oliver Oge French, burgess.
Richard Kirowan, burgess.	Dominick Roe French, burgess.
William Lynch Fitz Andrewe,	Stephen Lynch Fitz James.
burgess.	Thomas Lynch Fitz Ambrose,
Walter Browne Fitz Marcus,	burgess. ¹
burgess.	

“Richard Martine, of Dungorie, in the countie of Galway, Esquier, fol. 179¹. in the fortieth yeare of his adge and in his absence, was chosen Alder-

¹ The Ms. does contain a leaf numbered 178.

ARCHIVES OF
TOWN OF
GALWAY.

man of this towne, the first day of August, 1642, and the same day with the unanimous vote of the towne chosen Mayor, contrarie to custome, which ellection he renounced, and, his renunciation being not accepted, at the instance of the Corporation and of manie honorable persons he tooke that place uppon him, Michaellmass day the yeare aforesaid, to the generall content of all the inhabitantes of this towne.

John Blake, Recorder.

Domnicke Skerrett and John Bermingham, sheriffes.

Martin French, chamberlin.

"Here incert all the officers [*sic*].

"CHRISTOPHER FRENCH, Notarie Publicke.

"Sunday, 18 Junii 1643. Mass super altari portabili in Saint Nicholas his parochiall church, and a sermon theare preached by Father John Kegan, of the Societie of Jesus.

Sunday, 25 Junii, 1643. Mass was sayed in Saint Francis his Abbeye, and Father Valentyn Brown then preached theare. Uppon which daye Captain Anthony Willoghbye¹ surendred the forte, and parted awaye the same daye in the Bonaventure, comaunded by Captain Richard Swanly, Vice-Admirall, the Providence, comaunded by William Brookes, Reare-Admirall, and in the two pinnaces and in one barke lent them for their passadge from the towne.

"The fifteenth of August, 1643, upon the feast day of the Assumption of the ever glorious Virgin Mary, Moother of God, being the birth day of the (*oblit.*), the first generall procession after the restauration² of Saint Nicholas his church aforesaid was made, and in the procession amonge the Mendicants³ this order was observed: First went the Carmelits; then the Eremites of Saint Augustin; then the Franciscans; then the Dominicans; with a salvo jure of the Franciscans and Augustins.⁴

fol. 179b.

("This yeare, the east south east rampier of Galway, begining at the bullworke of the east gate and drawing down from thence to the litle bridge leading to St. Augustin's Abbeye, begun and considerable proceeded in in ould tyme by this Corporacion, was this yeare recontinued and raised to a good height and was compounded for to be finished at the publicque and common charge of this towne.)

"This yeare, the walle at the kaye, beginning at the worke made in the tyme of the Mayoraltie of William Martin, leadinge from thence south west to the river in the place called Walleshead, was built at the publicque and common charge of this towne.)

fol. 182.⁴

"Sir Vallentyn Blake, junior, knight and Baronet, Mayor, anno Domini, 164[3].

John Blake, Recorder.

Olliver Oge French, John Kirwane, Shirifes.

Martine French Fitz Gregory, Chamberline and Escheator and Coroner.

¹ See "History of the Irish Confederation and war in Ireland, 1641-43." Dublin: 1882.

² Ms. fol. 179b., "reconciliation."

³ "Mendicant" Orders of the Church.

⁴ The preceding entries for 1643 are on leaf 179, which contains at head the record of the Mayor and officials for 1642. The entries appear again on 179b, with the additions, as above printed within parenthesis. Leaves numbered 180 and 181 are not in the Ms.

The Toune Councell :

Sir Thomas Rotherham, knight and one of his Majesties most honorable Privie Councell in Ireland, alderman.	Thomas Lynch Fitz Marcus, alderman.
Sir Robert Lynch, baronet, alder- man.	Nicholas Blake Fitz Robert, alder- man.
Sir Richard Blake, knight, alder- mat.	Jasper French Fitz Andrew, burgess.
Sir Dominick Browne, knight, alderman.	Jasper French Fitz Peeter, bur- gess.
Richard Martin, mayor of the staple.	Richard Kirwan, burgess.
Nicholas More Lynch, alder- man.	Stephen Lynch Fitz James, bur- gess.
John Bodkine Fitz Dominicke, alderman.	Edmond Skerrett, Esquire.
Frances Blake Fitz Vallentine, alderman.	Martine Lynch Fitz Anthony, burgess.
Walter Reagh Lynch, alderman.	Michaell Lynch, burgess.
Olliver Martine, alderman.	Thomas Lynch Fitz Ambrose, burgess.
James Reagh Darcy, alderman.	Geffrey Font, burgess.
Andrew Darcy, alderman.	Walter Blake Fitz Andrew, bur- gess.
Walter Blake Fitz Arthur, alder- man.	James Lynch Fitz Steephen, bur- gess.
Walter Browne Fitz Thomas, alderman.	Marcus Kirwan Fitz James, bur- gess.
Edmond Kirwan, alderman.	Marcus Lynch Fitz William, bur- gess.
John Blake Fitz Nicholas, alder- man.	William Lynch Fitz Andrew, bur- gess.
	Alexander Bodkine, burgess.

“ Councell learned in the law, members of the said Town Councell :

Patrik Darcy, esquire.	Patrike Kirwan, esquire.
Geffrey Browne, esquire.	James Darcy, esquire.

“ CHR[ISTOPHER FRENCH], No[tary Public].

An order¹ declaringe the right of precedencie in stations and pub- fol. [183.]
licke meetings within the countie of the towne of Galway, wherein
nevertheless is meant and intended that Baronetts and Knights shall
hould and enjoye the places and precedencie to them of right due :

The Mayor.	Lawyers, barristers, in their gownes, whoe did practize, ac- cordinge their senioritie.
The Recorder.	Constables of the Staple or late Sheriffs.
The Mayor of the Staple.	All other Sheriffes that boare office, accordinge to their antiquitie of office.
The Aldermen that boare office, by their senioritie.	The fower captains of the fower quarters.
The Sheriffes for the tyme beinge.	All other Burgesses, accordinge to their seniority of house- keepinge.
The Captaine of the Youngmen.	
Lawyers that were Recorders, with their gownes.	
The Coroner in his goune.	
The Chamberlin and Escheator, in their gownes.	

¹ This document is undated and is between the leaves of the Ms. which contain records for 1643 and 1644.

ARCHIVES OF
TOWN OF
GALWAY.

"That none shall challenge anie place amongst the before-named Aldermen, Sheriffes, and Barristers but such as shall goe in gownes, exceptinge the said Captaine of the Youngemen: And wee thinke it fitt and soe doe order that all Assemblies and station tymes that all the aforesaid persons respectivelie shall take their places as is aforesaid sett downe, and such person or persons as shall not conforme themselves to this our order that they may absent, refraine, and withdrawe themselves from the said companies or meetings, least that theare may be any muttenie or disorder in the said companies or meetings.

"Wee think fitt that, accordinge to the ould custome, none shalbe ellected Aldermen but such as boare the office of Sheriffe, or are or heereafter shalbe made and declared Sheriffes peeres, first in Councell and next at the Towellshell, in a Common Assemblie to be theare heald upon Lammas or Michaelmas day.

Dominicke Browne.

Frauncis Blake.

Walter Blake Fitz Arthour.

Edmond Kirowan.

Nicholas Blake Fitz Ro[bert].

Martin French Fitz Gregorie.

Thomas Lynch Fitz Ambrose.

Marcus Lynch Fitz William.

John Martin Fitz Geffreye.

Frauncis Athye.

fol. 184.

"James Darsey Fitz Nicholas, Esquier, Mayor, Anno Domini, 1644; John Blake, Recorder, Dominicke Darsy and Robert Martin Fitz Jasper, Sheriffes.

List of "the Towne Councel."

fol. 185.

Edmond Kirowan Fitz Patricke, Maior, 1645; Dominicke Browne and Martin Kirowan, Sheriffes; John Blake, Recorder.

List of "the Towne Councell."

fol. 185b.

"Councell learned in the lawes, and members of the Town Councell:

"Patricke Darcy, Esq.

Geffrey Browne, Esq.

Patricke Kirowan, Esq.

Stephen Ffrench, Esq.

Christopher Ffrench, Nottarie

Publicke and Clerke of the

Councelle.

"This yeare, the triangular bulwarke or flanke, made and erected aboute the lyons toure for the common deffence as well of the east as north-east parte of the towne wales, as for the deffence of the Abbey of Saint Francis and of the little gate, was built at the publicke and common charge of the Free[men] and Commons of this towne.

fol. 186.

"This yeare, the howse built before the markett place uppon pillars and arches of hewed stones, begunn and considerably proceeded in, in the time of the Maioraltie of Sir Robuck Lynch, Barronett, was recontinued and raised to a good height, and by order of Courte was left to the charge of the now Mayor, Edmond Kirwan, to be finished at the publicke expence, and cost of the Corporation.

fol. 188.¹

"John Blake Fitz Nicholas, Esquire, Maior, Anno Domini 1646; Dominicke Blake and Nicholas Bodkine, Sheriffes; John Blake Fitz Robert, Recorder.

Lists of the Town Council, and "Councell learned in the law."

fol. 188*.

"By vertue of an order unto me directed from the Supreame Councell, I authorish and require six souldiers of the foote company of Captaine Edward Browne to repayre unto Ullicke Oge Burke, Conly Tulley, and Marcus Tulley, Collectors in the Barrony of Dunkellyn, and there to cesse themselves uppon the said Collectors and there to remaine untill the said Collectors doe produce my dischargd unto the said souldiers for

¹ The Ms. does not contain a leaf numbered 187.

² Of the Irish Confederation.

their severall chardges of collections, and the said souldiers are to take three pence per diem for each souldier, with competent meate and drinke, and for their soe doing this shalbe their warrant at their perills, as they shall answer to the contrary. Given at Galwey the 9th day of Junii, 1646.¹

“JOHN BLAKE [Mayor].

“Memorandum: That it was ordered the first day of June 1647, fol. 189. upon full Assembly [in] open Court, by the generall consent of the Corporation, that the Excise thirds and tent[h]s to be answered out of the towne and countye of Gallway for this yeare, begineing uppon May, 1647, and ending in May, 1648, shalbe feared by the towne from the Commissioners Generall of Connaught, for the sume of two thousand foure hundred poundes sterling, in mannere following, viz., one thousand poundes sterling, out of hand, seaven hundred poundes sterling, at or before the xiith of August next, and the other seaven hundred poundes sterling, the first of Aprill next, out of which two last paymentes the proportions of the armyes of the province of Connaught charged on this towne is to be payd from tyme to tyme till May next.

“The same day, Mr. Mayor, Sir Dominick Browne, Knight, Aldermen Edmond Kirwan, both the Sherriffes, Alderman Walter Blake Fitz Arthur, Thomas Lynch, Fitz Ambrose, Peeter Lynch Fitz Peeter, John Breningham, and Martin Blake Fitz Andrew were appointed to be the said Court to prescribe a course how the foresaid seaventeene hundred poundes should be paid for the said Excise thirds and tent[h]s, being the first payment to be made for the same.

“Another order made the xviiiith day of June, 1647, in the said Court (*sic*) have indifferently chossen, nomynated, and appointed twelve men, to say, Sir Dominick Browne, Knight, Aldermen Michell Lynch, Aldermen Oliver French, Thomas Lynch Fitz Ambrose, John Breningham, John Kirowan, Marcus Browne, Ullick Athy, Arthur Lynch Fitz Nicholas, Ambrose Bodkin Fitz David, Dominick Martyn Fitz Thomas, and Anthouy Lynch Fitz John, that the said twelve men or the maior parte of them shall view the late booke of Excise, and the same so viewed to add, augment or diminish or continewe as they think fitt; and the same, according as is sett downe by them or the maior part of them, shalbe executed and collected by the Commissioners of the Excise.

“In pursuance of all the foresaid orders, first, the Excise thirds and tent[h]s hath beene contracted and agreed uppon be (*sic*) and with the Commissioners Generall, as aforesaid. Secondly, a course hath beene taken by the Mayor and the rest appointed by the Corporation for the payment of the said seaventeene hundred poundes sterling as also for the last seaven hundred pounds sterling. That is to say, that Walter Blake Fitz Andrew, Marcus Kirowan Fitz James, Peeter Lynch Fitz Peeter, Martin Blake Fitz Andrew, and George Martyn have ingadged themselves by their pennall boundes to the Commissioners Gennerrall for the payment of the forsaid summes respectively, in the tymes of payment for which undertakeing and paymentes made and to be made they were made and appointed Commissioners, to continew in the said Excise untill they were paid of the said sume of two thowsand four hundred poundes sterling, together with their sallary, as also of under officers and other charges and use of money.

“In the third, in pursuance of the order aforesaid made, the xviiiith of June, 1647, the said Sir Dominick Brown and the rest of the twelve-

¹ This document is on a sheet of paper, inserted in the Ms.

ARCHIVES OF
TOWN OF
GALLWAY.

men, or the major part of them, under their hands have taken a course and made a booke wherein is expressed orders for the levyng of an Excise, to continew untill the said two thousand foure hundred pounds, with all other the charges as above said, should be paid unto the said Commissioner of the said Excise, and the surplusadge if any be to be for the Corporacion's use. And for the more playner expression and divoulging of the said Actes of Court and order thereuppon made, wee, the Councill, have thought fitt to record the same in the Mearaltie booke of this Corporation, and in full acknowledgment of the payment and layeing out of the forsaid summes by the said Commissioners of the Excise in redy mony and by their ingagementes be bound for the use of this Corporation. In witness whereof, I have heereunto put my hand as our acts the xxth of June, 1647.

“JOHN BLAKE, Mayor.

“Junii 18th 1647 :

fol. 189b.

“This daye it was ordered by the Mayor and Councill that when God be pleased to call any of the Aldermen, or their wives, from this transitory life to the everlasting, at their buriall the Mayor and Aldermen that bore office shall g[oe] in their redd gownes, Aldermen in election, Sherriffes [and] ould Sherriffes to goe in their blacke gownes. And at the buriall of Sherriffes, and of their wives, themselves, Sherriffes and ould Sheriffes to goe in their blacke gownes. And likewise when God is pleased to call to himself the Recorder for the tyme being, or any of the ould Recorders, the Mayor and Aldermen are to goe in their redd gownes, and not at any other buriall whatsoever otherwise then as aforesaid.

“JOHN BLAKE, Mayor.

fol. 191¹.

“This yeare, the flanker made and erected aboute the newe tower for the defence of the towne wales, as also for the defence of shippinges and barques riding in the Poole, was builte at the publicque and common chardge of this towne.

“JOHN BLAKE, Mayor.

“The same yeare, fowre new leaves were made for the greate gate, and two for the little gate, at the publicque and common chardge of this Corporacion.

“JOHN BLAKE, Mayor.

fol. 191b.

[Dated] in the Towlsell house of Gallway, the xith day of September, 1647.

“By the Mayor, Sherriffes, Free Burgesses and Comonaltie of the towne of Gallwey :

“Whereas wee have of late credibly heard that a scandalous seditious booke, intituld *Disputatio Apologetica et manifestativa de jure regni Hiberniae pro Catholicis Hibernis adversus Hereticos*,² and have seene breefe noates of the matter containd in it, full of venemous and virulent doctrines, and damnable treasons against our King and country, hath been lately printed and published most maliciously by intending to distracte and alienat the hartes of his Majesties faithfull Catholicque subjects of Irland from their bounden and dutifull allegiance and obedience to their undoubted and lawfull Sovereigne Lord and King, Charles, that now is, King of Great Britaine, France, and Ireland, and

¹ The Ms. does not contain a leaf numbered 190.

² The title page bears the imprint of Frankfort, 1645. See “Contemporary History of Affairs in Ireland, 1641-1652.” Dublin : 1879-80, vol. i., pp. 667, 739.

that diverse copyes of the said booke are dispersed unto severall partes of this kingdome. And albeite wee have made diligent search for finding out the said booke, and for learninge who might be the true author of soe pestilent a worke, wee have not as yett attained to our desires in that behaulfe, but doe expecte that our ententions therein will shortly take due effectt.

“Wherefore, in the interim, by way of prevention, in manifestacion of our zeall, duty and alleijance to our said Sovereigne Lord and King, Charles, to his heires and lawfull successors, kinges of England, and in full and open declaration before God and the woorld that noe accident which happened in the late government of this kingdome of Ireland shall nor may enduce us to alter or violate our constant sinceare and faithfull loyallty to his Majestie, his heires and lawfull successors, wee thought fitt and expedient and well becomeing us, by our publicque and unanimous declaration of our consciences in that behaulfe to protest, like as by these presentes wee doe protest, that wee doe and allwayes will preserve and continue in our faith and allegiance to our said Sovereigne Lord, King Charles, his heires and lawfull successors, and that wee did not nor will embrace nor accepte any other power over us in any temporall things or causes which may any way derogate from his and there royall preheminy and authority, or be inconsistent with the same.

“And wee doe likewise protest and declare that wee do utterly detest and abjure the said damnable, seditious booke and doctrine therein contained, and doe and will censure and [con]dame the same, with the author thereof, if wee light on them, to scourching and revenging fire which they deserve.

“And, lastly, wee doe hereby in his Majestie’s name straightly chardge and comaund all and every person or persons of what quality, state, condicion or degree hee or they be, within our jurisdiction and limitts of this towne and county of the towne of Gallway, who shall happen to light upon the said booke, the same forthwith to present and deliver upp into the hands of the Mayor or Recorder for the tyme being, under payne of incurring the greatest rigour of the penalties due and incid[ent] to crymes of the greatest degree, according to the lawes of this kingdome. God save the King.

“JOHN BLAKE, Mayor.

“[Com:] ville Galwey, primo Augusti, 1647 : Coram Johanne Blake, fol. 192. Armigero, Maiore dicte ville, cum sociis suis.

The cōpye :

“To all Christian people, to whome these presents shall come, wee, John Blake, Esquire, Mayor of the towne of Gallway, Dominicke Blake and Nicholas Bodkine, Sherriffes of the same, and the Free Burgesses and Comonaltye of the said towne, send greeting in our Lord God everlasting :

“Know ye that wee, the said Mayor, Sherriffes, Free Burgesses and Comonaltye, for divers and sundry good considerations us moving, and specially for his (*sic*) and extraordinary meritts and high descent of and allegiance to one of the greatest peeres of this kingdome, and for the greate and extraordinary services by him performed in his Majesty’s behaulfe, have, for us and our successors, given and graunted unto

ARCHIVES OF
TOWN OF
GALWAY.

the Right Honorable Edward Sumersett,¹ Lord Marquesse and Earle of Worcester, etc., and his heires, that hee, the said Lord Marquesse and Earle Worcester, and to his heires for ever, all and every the libertyes, priviledges, advantadages, imunities, profittes, and emollumentes whatsoever, in as lardge and ample maner as any Free Burgesse of the said towne of Gallway hath had or enjoyed, or hereafter shall, may might, or ought to have or enjoye, by vertue of any grauntes to us made, or to be made by our Sovereigne Lordes, Kinges and Queenes of England.

"Lieutenant-General John Burke had his freedome the same day.

"JOHN BLAKE, Mayor.

"September 27th, 1647.

"Memorandum: That it was this day agreed uppon, in oppen Courte and full Assembly, that the fortification begun in the Meralty of the now Mayor, John Blake, Esquire, shall goe forward, and the said John Blake is appointed overseer of the said worke, together with Walter Joes, to see the same finished.

"It is likewise ordered that all the arreares now due unto the towne shalbe employed towards the finishing of the said woorke, and they to have power to issue their warrants calling to their assistance the power of the county of the towne to execute their warrantes.

"Edmond Shagnashy had his freedome.

"JOHN BLAKE, Mayor.

fol. [193].

"Walter Blake, Knight, Mayor; Martin Blake Fitz Andrew, and James Blake, Sheriffes; John Blake, Recorder, 1648, Michaelmas and October.

List of the Town Council.

fol. 198^o.

"The humble petition of the Abbess and Convent of St. Clara, now resident in Gallway, to the Right Worshipfull the Mayor, Sheriffes, Free Burgesses and Comonalty of the towne of Gallway:

"Shewing that your petitioners, members of this corporacion, did some yeares sithence forsake the world for to serve the Allmighty, and what through the distempers of the tyme and through God's holy will, have suffered great affliction these seaven yeares past, and in this necessity, as bound by nature, repaired to this towne. Shewing further that through necessity by reason of the tymes their parents and friends are unable to furnish their wants as in peacable tymes they have intended, and that your poore petitioners doe suffer much by the exorbitant rent they pay, and, notwithstanding their due payment, are to be thrust out of their dwelling next May, their lease being then ended. The premisses considered and taken to your consideracion the inconveniencie of religious women whoe want habitacion, the conveniencie of their residence [to] this place, the preferment of your children though (*sic*) poore shalbe releevd by God's assistance in our Convent, the everlasting prayers to be made for yow, the glory of God, the preservation of the towne by your petitioners and their successors their intercessions, the honor of Galway to be founders of such a monasterie, the petitioners humbly pray that you may be pleased to graunt them sufficient roome for building a monasterie and roomes convenient thereunto a garden and orchard in the next illand adjoining to the bridge of Illanalltenagh; and for that your petitioners building wilbe rather a strength then any annoyance, hinderance, or impeachment either to the highway leading to the other island or to the

¹ He was previously Earl of Glamorgan, and succeeded his father, Henry, Earl of Worcester, on the death of the latter in December, 1646. See pp. 270, 279, 354, 498.

² The Ms. does not contain leaves numbered from 194 to 197, inclusive.

salfetie and preservacion of this Corporacion. Which graunted they will ever pray, etc.

“MARY BONAVENTUR, Unworthy Abbesse.

“By the Mayor, Recorder and Councell of the towne of Gallway, etc.

“Consideracion being had of the contents of this petition, it is thought fitt by the Mayor and Councell, for the reasons therein incerted, the petitioners demaunds to be graunted: Provided they make upp a common and bridge to the other island. And both the Sheriffes, Thomas Lynch, Fitz Ambros, Dominicke Martyn and Christopher Bodkine, or any three of them, to view the place, and aploft of the said island for the petitioners, according their discessions, for the conveniency of the petitioners if by the corporacion assembled in the Touslell shalbe soe thought fitting. All which being our opinions, wee recommend to the said Courte or Assembly.

“Dated 1^o Jully, 1649.

WALTER BLAKE, Mayor.

JOHN BLAKE, Recorder.

“Gallway, the 10th of Jully, 1649: By the Mayor and Corporacion of the towne of [Gallway].

“Uppon consideration had of the within peticion, and the above order being read in oppen Courte and full Assembly, and the reasons in the said peticion and order sett forth and expressed: It is unanimously agreed uppon by the major parte of the whole Courte that the contentes of the said peticion be gra[n]ted, and by the said Courte is graunted, in maner and forme as by the order of the Counsell is prescribed, whereof they are to have a comon saale.

“WALTER BLAKE, Mayor.

“JOHN BLAKE, Recorder.

“A.D. 1649. Thomas Lynch Fitz Marcus, Esquire, Mayor; Stephen fol. 200.¹ Lynch Fitz Nicholas, and Antony Fitz John, Sherriffes; John Blake, Esquire, Recorder.

List of the Town Council.

“CHARLES R.—Trusty and well-beloved, we greete you well: Wee fol. 200b. have beene duely informed of the loyalltye and good affection that you and the cittie of Gallway have expressed to us at all tymes, butt especialllye of late, when others have so shamefulllye betrayed the trust wee reposed in them by resigning themselves into the handes and power of the rebells. Wee doubt not but you will constantly continue the same loyalty to us with due care for the preservacion of our just authoritye amongst you, and, for your encouradgement therein, wee assure you that wee are not onelye truelye sensible of what you have allreadye done for our service, but as that cittie of Gallway is one of the principal citties that hath eminently continued their loyalltye and devotion to us, so we shall in due time conferre such priviledges and favours uppon you as may be lasting monuments of your deserving above other, and of our particular grace and acceptacion thereof. And see wee bid you farewell.

¹ Leaf numbered 199 is not in the Ms.

ARCHIVES OF
TOWN OF
GALWAY.

"Given at our Courte in Jersey, the fourthe day of Februarye, 1649[--50], in the second yeare of our raigne.

"The superscription: To our trusty and well-beloved, the Mayor and Aldermen of our cittie of Gallwaye.

"This letter was receaved the last of August, 1650.

"Memorandum: That this towne of Galway, the last yeare, being the Mayoralty tyme of Sir Walter Blake, Knight, was visited with the contagious infection of the plague, which continued from Jully, One thousand six hundred fortie and nyne, till Springe after. Dureinge which tyme many thousand soules dyed of the said sicknes, among which manye of the birth of the towne weare lost, but the most part of them weare the comons and tradesmen of the towne, and it is concealed but that most of the natives, for preservation of their health and security of their lives from the venom of the said infection, departed the towne dureinge the time aforesaid, most if not all the inhabitantes of this towne should perish with the rest.

"Memorandum, further, that all the members of the towne have mett in the country, and have consented to a taxe of twoe thousand marckes sterling towards the charges of phisitians and providinge of all other necessaries requisitt for the purifing and clesning of the said towne, which was with all earnestnes pursued by these intrusted with that chardge, and in the spring following it is to be ever remembered how Our Saviour, out of the aboundance of mercye, hath, about our Ladye's daye in Lent last, freed and cleerd this towne and all the inhabitantes thereof from the said sicknes, so as they have retourned to their own dwellinges and ever since doe inhabitt them with as much security as ever before.

"Memorandum: That the newe flanker, built outward of the greate gate in the out side of the basecourt of the said gate, was erected and built this sumer and the new wale woorke and rampier leading from that flanker downe to Edmond Kirwan's tower was begun alsoe this summer, and proceeded to a greate perfection, and is to be continued and finished by the next Mayor. All begun and done at the towne chardge.

"August, 1650. It is this day ordered that the order made in the Mayoralty tyme of Doctor Thomas Lynch, Esquire, touching the suppression of seeeking voates for the election of Mayor, Sheriffe, or any other office within this towne, be and is now confirmed with this addit[ion] that whosoever, by himselfe or his friendes, gained by his procurement or privitey, shall demaunde or seecke any voate for to be promoted or chosen to any office within this towne, as aforesaid, shall never beare office within this towne. Which is to be observed and pursued from this daye hereafter. And, further, that henceforth everyone uppon delivering his voate, shalbe first swoarne whether his voate was sought by any [and] by whome.

"THOMAS LYNCH, Mayor.

fol. 202¹.

"Sir Olliver French, Knight, Mayor, 1650, James French Fitz Edmond, and Peeter Lynch Fitz Anthony, Shirriffes. John Blake, Recorder. Thomas Lynch, Mayor of the Staple.

fol. 205².

"Michael Lynch, of the town of Galway, Alderman, elected and choasen Mayor, and William Martine and Alexander Lynch, deceased, Esquires, Sheriffes of the said towne of Gallway, the first day of August, in the yeare of our Lord God 1652, and tocke upon them the charge and execution of theire offices the 29th day of September follow-

¹, ² Leaves 201, 203, 204 are not in the Ms.

ing, John Blake being Recorder. And, further, in the same year, the said Alexander dyeing, Thomas Lynch, the said Michael's eldest sonn, was elected and choasen Sherife in his place.

List of Aldermen and "Burgesses of Councell."

Martine Lynch Fitz Anthony, of the town of Gallway, Alderman, fol. 206.¹ elected and chosen Maior, and Nicholas French and Arthure Lynch, Esquire, Sheriffes of the said towne of Gallw[ay], the first day of August, in the yeare of our Lord God 1653, and tooke upon them the charge and execution of ther office, the 29th day of September following, John Blake Fitz Robert, Esquire, being Recor[der] of the said towne.

"September 29th 1654: Thomas Lynch Fitz Ambros, Maior; John fol. 211. Blake, Esquire, Recorder; Richard Lynch and Anthony French, Fitz Petter, Sherives.³

"Memorandum: That the English inhabitants of Gallway, did on the 29th of September, this yeare, petition the Right Honorable the Lord Deputy and Councell that the government of this towne by the charter might not be any longer in the handes of the Irish and Papists, but that it might be put into the hands of the English and Protestants. Which was granted, and by vertue of a spetial order in that case the officers above mentioned was dismissed and new ones chosen, as in the next will apaire.

"1654. Collonel Peeter Stubbard, Maior; Robert Clarke, Esquire, fol. 212. Recorder; Paul Dod and Marcus Lynch Fitz Thomas, Sherives.⁴

"September 29th 1655: Lientenant-Colonel Humphry Hurd, Maior; fol. 213. Henry Greneway, Esquire, Recorder; John Camell and John Mathews, Sherives.

"The Counsell of the Corporation this yeare:

"The Maior, Recorder and Sherives for the time being, Sir Charles Coote, Knight and Barronet, Lord Presedent of Conaught, Collonel Peeter Stubbard, Maior of the Staple.

"Robert Clarke, esquire, alder-	Thomas Harvest, Corroner.
man.	Mar. Lynch Fitz Thomas, burges.
John Winn, alderman.	Thomas Prior, burges.
Paul Dod, alderman.	John Fennell, burges.
Samuel Newton, alderman, Cham-	Dermittus Coughlan, burges.
berlin.	

"September, 29th 1656: Paull Dod, esquire, Mayor; Henry fol. 214. Greneway, esquire, Recorder; John Peeters, Mathew Forth, Sheriffes.—Remainder of leaf is blank.

"September 29th, 1657: Gabriell King, esquire, Mayor; James Cuff, fol. 215. esquire, Recorder; Jarvis Hind, Thomas Harvest, Sheriffes,—Remainder of leaf is blank.

September 29th, 1658: Sir Charles Coote, Knight and Barronet fol. 216. Lord President of Conaught, Maior; John May and Richard Ormsby, Esquires, Sheriffes; James Cuff, Esquire, Recorder.—Remainder of leaf is blank.

¹, ² Leaves 207, 208, and 209 are not in the Ms. 210 is blank.

³ Remainder of the leaf is blank.

⁴ Remainder of the leaf is blank.

ARCHIVES OF
TOWN OF
GALWAY.

- fol. 217. "September 29th, 1659: John Mathews, Mayor; Edward Eyre, Recorder; Richard Barnard, and William Speed, Shreffes.
List of "the Councill."
- fol. 21 September 29th, 1660: John Morgan, Esquire, Mayor; Edward Eyre, Esquire, Recorder; George Scanderbegg Bushell; and John Pope, Esquire, Sheriffes.
List of Town Council.
- fol. 220.¹ September 29th, 1661: John Eyre, Esquire, Mayor; Edward Eyre, Esquire, Recorder; John Murry and Robert Brock, Esquire, Sheriffes.
List of "Towne Councill."
- fol. 221. "September 29th, 1662: Henry Greneway, Esquire, Mayor; Edward Eyre, Esquire, Recorder; Benjamin Vease and Walter Burd, Sheriffes."—Remainder of leaf is blank.
- fol. 222.² "1663: Edward Eyre, Esquire, was on the first day of August, anno Domini 1663, elected Mayor of the towne of Gallway, and was on the 29 day of September following sworne.
"Henry Whaley, Esquire, Recorder.
"Richard Walcott, Esquire [and] John Barrett, Sheriffes, 1663.
- fol. 224.³ "September the 29th, 1664: John Morgan, Esquire, Maior, the second tyme; William Heming and Thomas Semper, Sheriffes.
"Anno Domini, 1664: Henry Waley, Esquire, Recorder.
"October the xiii., 1664: Edward Eyre, Alderman, Mayor of the Staple; Dr. James Vaughan, Warden; Paul Dod, alderman; Gabriell Kinge, alderman; John Peeters, alderman, Chamberlain; William Heminge, and Thomas Semper, Sherriffes.
"This day the said persons were [elected] Towne Councill for the yeare ensueinge.
Richard Walcott, Towne Clarke.
"September the 29th, 1665:
- fol. 226. "John Spencer, Esquire, Mayor; Henry Whaley, Esquire, Recorder; Robart Warner and George Youngehusband, Esquires, Sheriffes; John Morgan, Esquire, Mayor of the Staple.
"Dr. James Vaughan, Warden. Thomas Harvies, Corroner.
Gabriel Kinge, Alderman. William Heminge and Thomas
Edward Eyres, Alderman. Semper, Constables of the
Sir James Cuffe, Alderman. Staple.
John Peters, Alderman. Richard Walcot.
John May, Alderman. Robert Playsteed.
- "September the 29th, 1666:
- fol. 228. John Spencer, Esquire, Mayor; John Shadwell, Esquire, Recorder; George Davison, and William Jackson, Esquire, Sheriffes.
List of Town Council.
- fol. 232. "Anno Domini 1668: John Spencer, Esquire, Mayor; John Shadwell, Esquire, Recorder; Richard Barnard and John Jull, Esquires, Sherriffes.
List of Town Council.

^{1, 2} Leaf 219 is not in the Ms.; 222 contains no entries except those above given.

³ Leaves 223, 225, 227, 231, 233, 238, and 240 are blank; 229 and 230 are not in the Ms.

September the 29th, 1669: John Peters, Esquire, Mayor; John Shadwell, Recorder.

List of the Town Council.

ARCHIVES OF
TOWN OF
GALWAY.

fol. 234.

fol. 237.

September the 29th day, anno Domini, 1670: John May, Esquire, Mayor; William Sprigge, Esquire, Recorder; Robert Warner, Abraham Cowell, Esquires, Sheriffs.

List of the Town Council.

“After our hearty commendacions: Understandinge that a pirate lyes upon that coast, by which traffique is hindered, marchantes discouraged, and his Majestie prejudiced in his customes and dutyes, and that you are willinge to send out a vessell and men to chase from that coast or take the pirate, if you had warrant for soe doeing, wee think fit by this our letter to authorize and impower you to proceed in your good intentions of service to his Majestye and that place, and to send out a vessell and men to sea, such as yow shall thinke fitt for the purpose aforesaid. And, for the encouragement of the men you shall imploy in this service, you may assure them from us that for every man they shall take and bringe in from aboard the said pirate, they shall receive the allowance held forth and promised in the proclamation issued by us and the Councell for killinge or takeing the Toryes or Rebells in the said proclamation named. fol. [237*].

“And soe wee bid you heartily farewell from his Majestie’s Castle of Dublin, the 12th of August 1670.

“Your loveinge friend, JOHN BERKELEY.¹

“Directed: for his Majestie’s special service. To our trusty and welbeloved, the Mayor of the towne of Galway, nowe beinge, Galway. Hast, hast.—Ellis Leighton.”

“September 29th, 1671: Richard Ormesby, Mayor; William Sprigge, Esquire, Recorder; John Geary, John Vaughan, Esquire, Sheriffs. fol. 239.

“1672: Gregory Constable, Mayor.

William Sprigge, Recorder.

John Shadwell, Esquire, alderman. fol. 241.

Thomas Andrewes, William Hill, Esquire, Sheriffs.

Robert Clarke, Esquire, alderman.

Collonel George Lesson, Governor.

John Geary, John Vaughan, Esquires, Constables of the staple.

Richard Ormesby, Mayor of the Staple.

Sir Henry Wadington, Knight.

Dr. James Vaughan, Warden.

Sir Edward Ormesby, Knight.

Collonel John Spencer, Esquire, alderman.

Robert Warner, George Davison, Burgesses.

John Morgan, Esquire, alderman.

Richard Walcot, burges, and Clerk of Tholsell.

Gabriell Kinge, Esquire, alderman.

Henry Hayward, Esquire.

John Eyres, Esquire, alderman.

James Bulteele.

Edward Eyres, Esquire, alderman.

John Bullinbrooke.

John May, Esquire, alderman.

Walter Hickes, Master of the Guild.

Sir Olliver St. George, Knight and Barronet.

James Brown.

Sir James Cuffe, alderman.

Thomas Revett.

¹ John, Lord Berkeley, Lord Lieutenant of Ireland. The above document is inserted in the Ms.

ARCHIVES OF
TOWN OF
GALWAY.

fol. 242.

fol. 243.

fol. 243b.

fol. 245¹.

"1673: Gregory Constable, Esquire, Mayor; William Sprigge, Esquire, Recorder; Thomas Revett and Thomas Cartwright, Esquires, Sheriffs.

"September the 29th, 1674: Theodore Russell, Esquire, Mayor; William Sprigg, Esquire, Recorder; Thomas Buck, Marcus Harrington, Esquires, Sheriffs.

"September the 29th, 1675: Collonel Theodore Russell, Esquire, Mayor; William Sprigg, Esquire, Recorder; John Flower, Thomas Poole, Esquires, Sheriffs.

"Att a Common Councell of the towne of Gallway, held the 28th day of January, 1673[4]:

- | | |
|--|---|
| 1. Gregory Constable, Esquire,
Mayor. | 6, 7. Thomas Revett and Thomas
Cartwright, Shirriffes. |
| 2. John Morgan, alderman. | 8. William Hemmings, burgess. |
| 3. Edward Eyres, alderman. | 9. John Vaughan, burgess. |
| 4. John Peters, alderman. | 10. Walter Hicckes, Master of the
Guild. |
| 5. John May, alderman. | 11. John Bullinbrooke, Esquire. |

"Ordred that the Shirriffes, Mr. Thomas Revett and Mr. Thomas Cartwright, are heareby authorized to receive from each Alderman and Burgess the several summes as is anexed to each man's name, as doth appeere by the anexed scedell. And the Shirriffes are desired to give the acquitance to each person according to the meathood heareunto fixed upon. Which acquitance such Alderman and Burges shallbe deamed, taken and reputed to all intents and purposes as Alderman and Burgess of this Corporacion, and the said Alderman and Burgesses are desired to repaire to the Mayor's house, where they shallbee entred in the Mayoralty Booke cleare of any charge for entreing the same, and that all or soe many of the said Aldermen and Burges[ses] as shall pay in theire mony as aforesaid, theire names shall be returned to the Lord Lieutenant and Councell to bee incerted in the body of the Charter. And of these 48 Aldermen and Burgesses the Comone Councell of this Corporacion to consist, without the alteration of any Mayor hereafter.

"And it is further ordred that this order, with the lyst of the said Aldermen and Burges given to the Shirriffes, bee entred into the towne booke and there to remain one record.

"Signed, by Order of the Mayor and Councell, by Edward Eyre.

"Towne of Gallway :

"Whereas att a Common Councill, held the twenty-eight of January, 1673[-4], for the speedy raising of mony, for the publique use of this Corporacion, for the reneweing of the charter, making an address unto his Majesty, and defending the suites in law that are or shalbee commenced against the said Corporacion, it was proposed and ordered that soe many persons should bee added unto the number of Aldermen as should make them twenty-four, and as many added unto the Burges[ses] as should complete the number of twenty-four, of which the Common Councell are to bee consituted, a schedule of whose names is affixed unto the said order with the summe proposed, added to each man's name,

¹ Fol. 244 is not in the Ms. The entries for 1674 and 1675 preceede, as above, those for January, 1673-4.

upon payment of which sune by any of the said Aldermen and Burgess they shall bee deemed, taken and ever reputed an Alderman or Burgess of the said Corporacion, and theire names incerted in the Mayoralty booke, and returned to his Excellency the Lord Lieutenant to bee incerted in the charter on the renewall thereof, the moneys soe raised to bee receaved by the Sheriffes, and to be disposed of to such person as the Mayor and Councell shall appointe.

"In pursuance of the said orders, wee, the said Sheriffes, doe hereby acknowledge to have received from [*blank*] of Gallway, Alderman, the sum of [*blank*] poundes sterling, who is imeadiately to receive the benefitt of the said orders and soe to bee recorded in the towne booke.

"As witness our hands and seales this [*blank*] 167[3-4]. This instrument or receipt is accordingly to the orders of Councell held the day above written and accordingly to bee allowed of, as witness my hand and Mayoralty seale.

"GREGORY CONSTABLE, Mayor.

"September the 29th, 1676 :

"Theodore Russell, Esquire, Mayor; William Sprigg, Esquire, fol. 245b.
Recorder; John Clarke, Richard Browne, Esquires, Sheriffes.

"September the 29th, 1677 :

"Theodore Russell, Esquire, Mayor; William Sprigg, Esquire,
Recorder; John Clarke, Richard Browne, Esquires, Sheriffes.

"This yeare, the new Charter was brought by Collonel Russell, after making the bargaine with Madam [Elizabeth] Hamilton for the grant she had from his Majestie, King Charles the Second, for the part of the revenue and towne landes mortgaged by the natives in the yeare 1647 to severall forfeiting persons, by which it was vested in the King and soe granted as aforesaid.

"September the 29th, 1678 :

"Theodore Russell, Esquire, Mayor; William Sprigg, Esquire, fol. 246.
Recorder; Thomas Stanton, John Amory, Esquires, Sheriffs.

"September the 29th, 1679

"Theodore Russell, Esquire, Mayor; William Sprigg, Esquire, fol. 247.
Recorder; Thomas Stanton John Amory, Esquires, Sheriffes.

"Att a Common Council held at Alderman Cartright's house in Gall- fol. [247*].
way, the 19th of July, anno Domini, 1680:¹

"Present as followeth :

Thomas Cartright, Esquire,	William Hill, Alderman.
Deputy-Mayor.	Richard Browne, Burgess.
Edward Eyre, Esquire, Deputy-	Thomas Symcock, Merchant.
Recorder.	Samuel Camby, Merchant.
Doctor James Vaughan, Warden.	William Hoskins, Merchant.
John May, Alderman.	Robert Shaw, Towne Clerk.

"Whereas it was ordered at a Comon Council held the 26th day of July, 1679, as followeth, vizt. the Council, taking into consideration that the concerne of the Corporation formerly acted by Tholsell was vested

¹ This matter is not entered in order of date in the Ms.; the leaf on which it appears is numbered 252.

ARCHIVES OF
TOWN OF
GALLWAY.

in the Council by charter, and to prevent the many inconveniencies that have attended the often altering of the members of the Comon Council, it was then ordered that thenceforth no person or persons should be added to the Comon Council but by consent of the major part of the Council, and that none should be excluded the Council but on some misdemeavour allowed of by the major part of the Council.

And this Council, taking the same further into consideration, finde that the said former order is somewhat short and dubious as to the major parte of the Council. It was this day ordered in Council, nemine contradicente, that the said former order of Council be confirmed and that such major parte of the Council shall consist of one and twenty at least, either in adding or secluding any such member or members of the Council, and also that the Mayor for the tyme being, or his Deputy from tyme to tyme hereafter, shall give a list of the Council to the Sergants-at-Mace, and that every Comon Councillor hereafter shall be summoned and have four and twenty howers notice of the tyme and place of the sitting or meeting of such Council onely to such Comon Councillmen that was [*sic*] resident and inhabitting in the said towne. And that this and the order of Council be forthwith entred by the Towne Clerke in the Mayoralty booke, and that if the Sergeants-at-Mace shall neglect theire duty in not summoning every member of the Council that are inhabitting, or shall be in towne, at such tyme when they shall be ordered to summon the Council, shall forfeit five pounds for every such offence.

“Entered per ROBERT SHAW, Clericum Theolonii.

“September 29th, 1680 :

fol. 248.

“Theodore Russell, Esquire, Mayor; William Sprigg, Esquire, Recorder; Thomas Simcookes, Samuell Cambie, Esquires, Sheriffes.

“September 29th, 1681 :

fol. 249.

“Theodore Russell, Esquire, Mayor; William Sprigg, Esquire, Recorder; Thomas Simcookes, Samuell Cambie, Esquires, Sheriffes.

“September the 29th, 1682 :

fol. 250.

“Theodore Russell, Esquire, Mayor; William Sprigg, Esquire, Recorder; Marcus Lynch, William Hoskins, Esquires, Sheriffes.

“September the 29th, 1683 :

fol. 251.

“Collonel Theodore Russell, Esquire, Mayor; William Sprigg, Esquire, Recorder; William Hoskins, Thomas Yeaden, Esquires, Sheriffes.

“September the 29th, 1684 :

fol. 253.¹

“Collonel Theodore Russell, Esquire, Mayor; William Sprigg, Esquire, Recorder; Thomas Yeaden, Thomas Willson, Esquires, Sheriffes.

“September the 29th, 1685 :

fol. 254.

“Collonel Theodore Russell, Esquire, Mayor; William Sprigg, Esquire, Recorder; Thomas Willson, Richard Wall, Esquires, Sheriffes.

fol. 254 b.

“Sir Henry Lynch Baronet was on the first day of August, 1686, ellected Recorder of the towne of Gallway, and was afterwards sworn,

¹ For contents of fol. 252, see p. 505, under 1680.

and in the same yeare was made one of the Barons of his Majestic's Court of Exchequer in Ireland, in whose roome and at the request of the said Sir Henry, Thomas Lynch, Esquire, was sworn Recorder, the 18th day of May following, for the remainder of that year.¹

"John Kirwan² Fitz Stephen, of Gallway, merchant, was, on the first day of August, in the year of our Lord God one thousand six hundred eighty and six, and in the second year of the reign of our Sovereign Lord, James the Second, King of England, ellected Mayor of the said town of Gallway, and was on the 29th day of September following sworn. fol. 256.

"George Stanton and Jonathan Perrie, of Gallway aforesaid, merchantes, were ellected and sworn Sherriffes in manner aforesaid.

"THOMAS LYNCH, Esquire, Recorder.

"ROBERT SHAW, Towne Clarke.

"Yeares 1686, 1687:

"The Comon Councill of Gallway in the Mayralty of John Kirwan fol. 257.
Fitz Stephen, Esquire.

"John Kirwan, Esquire, Mayor.

His Grace John [Vesey], Lord
Archbishop of Tuam.

The Honorable Sir Henry
Lynch, Baronet, Recorder for
most of the yeare, 1686.

Sir Oliver St. George, Knight
and Baronet.

Sir Walter Blake, Baronet.

The Honorable Peter Martin,
Esquire, one of the Justices of
Her Majesty's Court of Comon
Pleas.

Gerald Dillon, Esquire, His
Majesty's Prime Sergeant at
Law.

The Honorable Colonel Gerald
Moore, Esquire.

Thomas Lynch, Esquire, Re-
corder, in the roome of Sir
Henry Lynch.

Captain Richard Coote.

Sir Henry Waddington, Knight.

William Sprigg, Esquire.

Francis Cuff, Esquire.

Gabriel King, alderman.

John May, alderman.

Colonel Theodor Russell.

Thomas Stanton, Esquire, Mayor
of the Staple.

Thomas Revett, alderman.

John Gerry, alderman.

Joseph Ormsby, Esquire.

Captain Arthur St. George.

Dr. John Bulliubrooke.

Edward Stubber, Esquire.

Robert Miller, Esquire.

John Bingham, Esquire.

Richard Wall, burgess.

Oliver St. George, Esquire.

James Darcy, Esquire.

Dominick Browne, Esquire

Stephen Deane.

Thomas Deane.

Laurence Deane.

Marcus Kirwan.

Valentin Browne.

Robert Kirwan.

Oliver Martin, Esquire.

Robert Blake, Esquire.

Robert French, Esquire.

Arthur French, Esquire.

James Deane.

Dominick Bodkin.

James Browne Fitz Jeffrey.

George Browne, Esquire.

Richard Blake, Esquire.

Charles Daley, Esquire.

Nicholas Lynch Fitz Marcus.

Nicholas French, Senior.

Isidor Lynch, Esquire.

Andrew Oge Blake being dead,

Peter Blake of Corbally was
sworne in his room.

¹ Leaf 255 is not in the Ms.

² This name is in giihl etters on ff. 256 and 258.

ARCHIVES OF
TOWN OF
GALWAY.

Thomas Cartright, alderman.
Thomas Andrews, alderman.
George Stanton, burges.
Jonathan Perrie, burges.
Thomas Simcockes, burges.
Colonel George Lesone.
Richard Thomas, Clerke.
John Eyre, Esquire.
John Vaughan, burgess.
Thomas Poole, burgess.
Richard Browne, burgess.
John Clarke, burgess.
Samuel Cambie, burgess.
Major Nicholas Bayly.
Mark Harrington, burgess.
Thomas Yeeden, burgess.
James Wilson, burgess.
Gilbert Ormsby, Esquire.

Ambros Lynch.
Martin Kirwan Fitz Patrick.
Richard Lynch Fitz James.
Nicholas French, Junior, Esquire.
Thomas Lynch Fitz Peter.
Bartholomew Butler.
Francis Lynch Fitz George.
James Browne Fitz Edward.
John Lynch Fitz Michael.
Walter Blake, of Drum, Esquire.
John Joyes.
Martin King.
John Amory.
Robert Amory.
Captain Thomas Crawly.
Richard Plummer.
Robert Shaw, Clericus Theolonii.

fol. 258.

“John Kirwan Fitz Stephen, Esquire, was, on the first day of August, anno Domini 1687, and in the third year of the reign of our Sovereign Lord, King James the Second, elected Mayor of the town of Gallway, and was on the 29th day of September following sworn, being the second yeare of his Mayoralty.

“James Browne Fitz Jeffry and Marcus Kirwan Fitz Dominick, Sheriffes.

“THOMAS LYNCH, Esquire, Recorder.
“ROBERT SHAW, Town Clarke.

fol. 259.

“The Comon Councell of Gallway in the second yeare of the Mayoralty of John Kirwan, Esquire, ending Michaelmas, 1688 :

John Kirwan, Esquire, Mayor.
Collonel Garet Moore, aldermen.
Sir Walter Blake, Baronet, aldermen.
Thomas Lynch, Esquire, Receiver.
Robuck Lynch, Esquire, alderman.
Robert Blake, Esquire, alderman.
Dominick Browne, Esquire, alderman.
James Darcy, Esquire, alderman.
Oliver Martyn, Esquire, alderman.
Francis Blake, Esquire, alderman.
Peter Kirwan Fitz Francis, alderman.
James Browne Fitz Edward, alderman.
William Hill, alderman.
Jonathan Perrie, alderman.
Thomas Revett, alderman.

Nicholas French, Senior, Esquire, alderman.
Henry Blake, Esquire, alderman.
Robert French, Esquire, alderman.
Andrew Blake, Esquire, alderman.
Martin Kirwan Fitz Patrick, Esquire, alderman.
George Stanton, alderman.
Walter Blake, Esquire, alderman.
Ambrose Lynch, alderman.
Stephen Deane, alderman.
Robert Kirwan, alderman.
Thomas Simcockes, alderman.
John Gerry, alderman.
James Browne Fitz Jeffry and Marcus Kirwan Fitz Dominick, Esquires, Sheriffes.

"Burgesses :

The Right Honorable Dennis Daly, Esquire, one of the Justices of his Majesties Court of Comon Pleas, and one of his Majesties Most Honorable Privy Councell of Ireland.	Robuck French, gentleman. Patrick French Fitz Robuck, Esquire. Doctor James Ryan. Doctor Thomas Martyn. Marcus Browne Fitz Walter.
The Honorable Sir Henry Lynch, Baronet, one of the Barons of his Majesties Court of Exchequer.	John Martyn Fitz Richard. Dominick Lynch Fitz John. Lawrence Deane. Thomas Blake Fitz John.
The Honorable Peter Martyn, Esquire, one of the Justices of Majesties Court of Comon Pleas.	Richard Lynch, senior. Dominick French Fitz Patrick. Thomas Lynch Fitz Peter. Gregory Nolan.
Gerald Dillon, Esquire, his Majesties Prime Sergeant at Law.	Francis Blake Fitz Andrew. Edmond Skerrett Fitz Dominick.
Francis Plowden, Esquire.	Patrick Blake Fitz Andrew.
John Browne, Esquire.	Peter Blake Fitz Nicholas.
Charles Daly, Esquire.	Stephen Lynch Fitz Nicholas
George French, Esquire.	More.
George Browne, Esquire.	Richard Lynch, Junior.
John Bodkin, Esquire.	Jasper French Fitz Robert.
Nicholas Lynch Fitz Marcus.	Patrick Darcy, Esquire.
Arthur French, Esquire.	Oliver Darcy.
Peter Blake Fitz Richard, Esquire.	Martin Darcy Fitz Richard. Martin Darcy Fitz Peter.
Nicholas French, junior, Esquire.	Patrick French Fitz Peter.
Richard Blake, Esquire.	John Bodkin Fitz Ambrose.
Oliver Browne, Esquire.	Dominick Bodkin Fitz Patrick.
James Foster, Esquire.	Samuel Cambie.
Patrick French Fitz Robert, Esquire.	Nicholas Lynch Fitz William.
Joseph Lynch, Esquire.	James Kenny.
Marcus Blake Fitz Walter.	Thomas Stanton.
Andrew French, Esquire.	Martin King.
Arthur Lynch Fitz Robuck.	Mark Lynch.
Nicholas Lynch Fitz Robuck.	Thomas Yeeden.
John Blake Fitz Vallentin.	William Cleere. Dennis Kelly.

"The new charter was in this yeare by his Most Sacred Majestie, King James the Second, granted unto this Corporation.

"The key [quay] of Gallway and the new peer [pier] was this yeare erected and repaired at the charge of the Corporation.

"Examined per ROBERTUM SHAW, Clericum Theolonii.

"September the 29th, 1688 :

"Dominick Brown,¹ of Carrowbrown, Esquire, Mayor ; Thomas fol. 260. Lynch, Esquire, Recorder ; Francis Blake Fitz Andrew, and Dominick Bodkin Fitz Patrick, Esquires, Sheriffes ; Robert Shaw, Town Clerke.

"September the 29th, 1689 :

"Dominick Brown,² of Carrowbrown, Esquire, Mayor ; Thomas fol. 261. Lynch, Esquire, Recorder ; Francis Blake Fitz Andrew, and Dominick Bodkin Fitz Patrick, Esquires, Sheriffes. Robert Shaw, Town Clerke.

¹ In margin : "Collonel Dominick Browne elected, first August 1688."

² In margin : "Collonel Dominick Browne elected a second time, 1st August, 1689."

ARCHIVES OF
TOWN OF
GALWAY.

fol. 262.

"September the 29th, 1690 :

"Collonell Alexander Mc Donnell, Mayor, untill the eighth day of December this year, att which time he was by speciall order of the Government removed from the said office; on which day Arthur French,¹ Esquire, was ellected and sworn Mayor for the remaineing part of this year.

"Thomas Lynche, Esquire, Recorder.

"William Cleer, Oliver French, Esquires, Sheriffs.

"Anthony French Fitz Martin was ellected Towne Clerke the 6th of October this year.

fol. 263.

"Sir Henry Bellasies [Bellasyse] elected the first August 1691, being then Governor; the towne being surrendered the 26th July before.

"September the 29th, 1691 :

"Sir Henry Bellasyse, Barronet, Governor of Galway, Mayor; Nehemiah Donnellan, Esquire, Recorder: John Gibbs, Richard Wall, Esquires, Sheriffes; Robert Shaw, gentleman, Town Clerke.

"Memorandum: That the town of Galway was surrendered to the arms of our Sovereain Lord and Lady, King William and Queen Mary, under the command of Generall Ginkle, on the 26th day of July last past.

fol. 264.

"Thomas Revett, Esquire, was on the first day of August, anno Domini 1692, and in the fourth yeare of the reign of our Sovereign Lord and Lady, King William and Queen Mary, elected Mayor of the towne of Galway, and was on the 29th day of September following sworne.

"Nehemiah Donnelan, Esquire, Recorder.

"Richard Wall and John Gibbs, Esquires, Sheriffes.

fol. 265.

"Thomas Revett,² Esquire, was on the first day of August, anno Domini 1693, and in the fifth yeare of the reign of our Sovereigne Lord and Lady, King William and Queen Mary, ellected Mayor of the towne of Gallway, and was on the 29th day of September following sworn.

"Nehemiah Donnelan, Esquire, Recorder.

"John Gibbs, Richard Wall, Esquires, Sheriffes.

fol. 266.

"Thomas Simcockes, Esquire, was on the first day of August, anno Domini 1694, and in the sixth yeare of the reigne of our Souveraign Lord, King William the Third, ellected Mayor of the towne of Gallway, and was on the 29th day of September following sworne.

"William Handcoke, Esquire, Recorder.

"Thomas Conneys and Francis Knapp, Esquires, Sheriffes.

"Robert Shaw, gentleman, Town Clarke.

"1695 :

fol. [267³].

"Thomas Simcockes, Esquire, was on the first day of August, anno Domini, 1695, and in the seaventh ycare of the reigne of our Sovereigne Lord, King William the Third, ellected Mayor of the towne of Gallway, and was on the 29th day of September following sworne.

"Robert Ormsby, Esquire, Recorder.

¹ In margin: "Arthur French, Esquire, ellected, first August 1690."

² In margin: "Thomas Revett, Esquire, ellected a second time, first August, 1693."

³ Erroneously numbered 327 in the MS.

"Francis Knapp and James Ribett Vigie, Esquires, Sheriffes.

"Robert Shaw, gentleman, Towne Clarke.

ARCHIVES OF
TOWN OF
GALWAY.

"September the 29th, 1696:

fol. 268.

"Thomas Cartwright, Esquire, was on the first day of August, anno Domini, 1696, and in the eight year of the reigne of our Sovereigne Lord, King William the Third, elected Mayor of the towne of Gallway, and was on the 29th day of September following sworne.

"Robert Ormsby, Esquire, Recorder.

"James Ribett Vigie and Marcus Lynch, Esquires, Sheriffes.

"Robert Shaw, gentleman, Towne Clarke."

Copy of portion of section [8] of entry, relative to Warden and Vicars fol. [268*]. of the College, Galway.¹ See page 387.

"John Gerry, Esquire, was, on the first day of August, anno Domini fol. 269. 1697, and in the ninth yeare of the reigne of our Sovereigne Lord, King William the Third, elected Mayor of the towne of Gallway, and was on the 29th day of September following sworne.

"Marcus Lynch and Jarvis Hind, Sheriffes.

"Robert Ormsby, Esquire, Recorder.

"Robert Shaw, gentleman, Towne Clarke.

"On the 7th day of November, this yeare, was proclaimed the much honoured and renowned peace betweene his most Serene Majestie, King William the Third of Great Brittain, and the French King.

"On the 3rd of August, this yeare, their Excellencies, the Marques of Winchester,² and the Earle of Gallway,³ Lords Justices of this kingdom of Ireland, on their progress came to the towne of Gallway, and were on the day following entertayned at the Mayor's house at the charge of the Corporation.

"John Gerry, Esquire, was on the first day of August, anno Domini fol. 270. 1698, and in the tenth year of the reigne of our Sovereigne Lord, King William the Third, elected Mayor of the towne of Galway, and was on the 29th day of September following sworne, being the second yeare of his Mayoralty, and did this yeare consent to take one hundred pound sallerey for his Mayoralty, to the end the other hundred pound allowed to former Mayors should go towards payeing the Corporation debtes.

"Jarvis Hind and Thomas Poole, Sheriffes.

"Robert Ormsby, Esquire, Recorder.

"Robert Shaw, gentleman, Towne Clarke.

"1699: Thomas Andrews, Esquire, was on the first day of August, fol. 271. anno Domini, 1699, and in the eleventh year of the reign of our Sovereigne Lord, King William the Third, elected Mayor of the towne of Gallway, and was, on the 29th day of September following, sworne, and also did bestow uppon the Corporation a sword case to hould the King's sword, now in the church of Saint Nicholas.

"Robert Ormsby, Esquire, Recorder.

"Thomas Poole and Samuel Simcocks, Esquires, Sherieffes.

"Robert Shaw, gentleman, Towne Clarke.

1700: Richard Browne, Alderman, was on the first day of August, fol. 273.⁴ anno Domini 1700, and in the twelfth yeare of the reigne of our

¹ This copy is inserted in the Ms., and is incorrectly dated 1497 instead of 1557.

² Charles Paulet.

³ Henri de Massue de Ruvigny.

⁴ Leaves 272, 274, 275, and 277 are not in the Ms.

ARCHIVES OF
TOWN OF
GALWAY.

Sovereigne Lord King William the Third, elected Mayor of the towne of Gallway, and was, on the 29th day of September following, sworne.

“Robert Ormsby, Esquire, Recorder.

“Samuell Simcockes, Robert Blakeney, Esquires, Sherriffes.

“Robert Shaw, gentleman, Towne Clark.

fol. 276.

“1701: Thomas Stanton, Esquire, was, on the first day of August, in the yeare of our Lord God 1701, and in the thirteenth yeare of the reigne of our Sovereigne Lord, William the Third, by the grace of God King of England, Scotland, France and Ireland, by unanimous assent elected Mayor of the towne of Gallway and was on the 20th day of the said month of August approved of by the Lords Justices and Councell of Ireland, as appointed and directed by the new rules made by the Lord Lieutenant, Cheife Governours and Councell of Ireland, pursuant to a clause in an act of Parliament passed in Ireland in the seaventeenth and eighteenth of King Charles the Second, commonly called the Acts of Settlement and Explanacion, and was on the 29th day of September following, being Michaelmas-day, sworn according to the ancient custome in the Towne Hall.

“Robert Ormsby, Esquire, Recorder.

“Robert Blakeney and John Broughton Esquires, Sherriffes, elected, approved of and sworne in manner, time and place aforesaid.

“Robert Shaw, Alderman, was elected Towne Clerke, and was, together with the said Recorder, sworne on the Munday after Michaelmas att the place aforesaid, as usuall.

fol. 276b.

“This yeare 1701 it pleased God to send a great plenty of heringes into our harbour, such hath not been these twenty or thirty yeares past, soe far that, the 15th day of September, there was by computation a thousand barills that night taken and sold for 4s. 6d. per thousand, and not above seaventy boates fishing this season.

“The yeare following, such a multitude of herings were taken that they were comonly sold for eight pence per thousand, some dayes for tenn pence per thousand. A great season of codd fish hapned all winter and spring that [blank] good coddcs were usuallly sold at the fish markett for pence apiece, and in summer 1703 codd sold for half-pence apiece, tho’ seldome heretofore taken in our bay that tyme of the yeare.

“On the eighth day of March, 1701[2], it pleased Almighty God to call to His mercy our late Sovereigne Lord, King William the Third, of ever glorious memory, by whose decease the Imperial Crowns of England, Scotland, France and Ireland came to the high and mighty Princess, Anne of Denmark, who on the said 8th March, 1701[2], was proclaimed in the city of London, the Parliament of England then sitting. On the 17th day of the said month of March, her Majestie was proclaimed in the city of Dublin, and, on the 24th day of the said month, in this towne [Galway], with all demonstrations of joy, and on the 23rd day of Aprill following was crowned att Westminster.

“In the month of May after, her Majestie was pleased to declare warr against France and Spaine.

fol. 278.

“1701: The Common Councell of Gallway in the mayralty of Thomas Stanton, Esquire:

Thomas Stanton, Esquire, Mayor.
His Grace John, Lord Arch-
bishopp of Tuam, who was on
the 1st day of August elected
Warden of Gallway.

Robert Blakeney, John Brough-
ton, Esquires, Sherriffes.
Feilding, Shaw, Doctor in Divi-
nity.
Richard St. George, Esquire.

The Right Honorable Sir Henry Bellasis, knight, alderman, Lieutenant Generall of his Majesties forces.

The Honorable Richard Coote, Esquire.

Nehemiah Donnellan, Esquire one of the Barons of his Majesties Court of Exchequer in Ireland.

Sir George St. George, Barronet.

Sir George St. George, Knight.

Robert Ormsby, Esquire, Recorder.

Richard Brown, alderman, Mayor of the Staple.

Thomas Revett, alderman, Chamberlain.

Thomas Simcockes, alderman.

Thomas Cartwright, alderman.

John Gerry, alderman.

Thomas Andrews, alderman.

William Sprigge, Esquire, Barrister att Law.

John Amory, alderman.

Samuell Gambie, alderman, Corner.

Thomas Yeaden, alderman.

Thomas Willson, alderman.

Robert Shaw, alderman, Towne Clerke.

Richard Wall, alderman.

John Clarke, alderman.

John Eyre, Esquire.

Oliver, St. George, Esquire.

John Bingham, Esquire.

Gilbert Ormsby, Esquire.

Charles Morgan, Esquire.

Edward Stubber, Esquire.

John Morgan, Esquire.

Edward Eyre, Esquire, Barrister att law.

John Stanton, Esquire, Barrister att law.

John Revett, Esquire, Barrister att law.

Samuell Simcockes, one of the Constables of the Staple.

John Gibbs, burgess.

Thomas Conys, burgess.

Francis Knapp, burgess.

James Ribett Vigie, burgess.

Mark Lynch, burgess.

Jervis Hind, burgess.

Thomas Poole, burgess.

Richard Thomas, Clerke.

Thomas Revett, Clerke.

John Ormsby, gentleman.

Richard Plumer, gentleman.

Robert Widdrington, gentleman.;

Francis Andrews, gentleman.

Thomas Stanton, Junior, gentleman.

Samuell Eyre, Esquire.

George Eyre, Esquire.

‘The said John Gibbs was, on the 13th of Aprill 1702, elected and sworne Alderman in the place of the Honourable Collonel Theodore Russell, deceased.

JOHN PRICE, Clerke.

JOHN FEUQUIER, gentleman.

“Com : ville Gallway, xxiii^o die Januarii 1700 [-1]:

“Whereas it appears by constat from his Majestie’s Auditor Generall fol. 279. that all and singular the customes, petty customs, and cocketts and the seale thereof, which from time to time shall grow or be due to her Highness, her heirs and successors, within the towne of Gallway, and within the port of the same town and creekes of the said port, and the collectorship, proffits, and comoditys thereof, and likewise the rent of the fee-farme of the said towne of Gallway merchant, the duty or perquissittes called the bayliffes fish in the towne of Gallway and port of the same, and also the rectory and parsonage of the church of St. Nicholas of Gallway aforesaid, with all the hereditamentes, profittes, offeringes, tythes, alterages, emolumentes, and other comodityes whatsoever thereunto belonging, the impost and custom of wyne lately granted to her Highness by statute, and that shall happen yearly within the said towne of Gallway and the port, creek, and franchises of the same, and the offices of Receiver and Comptroller thereof, and the fishing and other comoditys thereof lately demised to Roger Challenor, onely excepted,

ARCHIVES OF
TOWN OF
GALLWAY.

were, by indenture under the greate seale of Ireland, bearing date the eleaventh day of September, 1578, in the twentieth year of the reign of Queen Elizabeth, demised unto the Mayor, Bayliffes, and Comonalty of the towne of Gallway, and their successors Mayors, Bayliffes, and Comonalty of the said towne, for the term of fifty yeares, to comence from the expiration of the former lease made of the premisses unto Anthony Fitton, gentleman, for the term of twenty-one yeares, and bearing date the twenty-second day of June, in the eighteenth year of her said Majestie's reign, at and under the yearly rent *xlviili. viiis. viiid. monete Hibernie*, making *xxxvili. xiiis. vid.* sterling, of which rent there was discharged the sume of *iiiiili. xiiis. iiid.* per annum, being granted to Sir John Everard and Patrick Gough, by pattente dated the 27th of January, anno xii Jacobi primi, and then remained the summe of *xxxili. xixs. iiid.*, being the rent now in charge; and by charter from the late King James to the Mayor, Sheriffes and Burgesses of the county of the towne of Gallway, the same rent is reserved to the Crowne.

"And whereas, by an order of the fourteenth of November last, it was ordred, on the mocion of his Majestie's Attorney-Generall, that a seizure should issue for the said duty unless cause were shewn to the contrary the first of this term, now, upon motion of Sir William Handcock, Knight, Recorder of the city of Dublin, of councill on behalfe of the Corporation of the said towne of Gallway, moving on the said last rule, prayes that this matter may be referred to his Majestie's Attorney-Generall; whereupon, and on reading the said constat this day in court, it is ordred that this matter be and is herby referred to Robert Rochfort, Esquire, his Majestie's Attorney-General, to examine and to report to the Court how he finds the same, that thereupon such further order may be made there as shall be thought fitt. And it is also ordred by the court that Mr. Richard Thompson, attorney for the Commissioners of his Majestie's Revenue, have timely notice when his Majestie's said Attorney-General intends to proceed on the said reference. And it is also ordred that the said charge be and is hereby respitted in the meane time, and thout noe seizure doe issue against the said towne of Gallway for the said dutys, whereof the said Robert Rochfort and all other officers and persons concerned are to take notice.

"ROBERT DOYNE.

"24th February, 1700 [-1]: I appoint Wednesday, the 26th instant, at three in the afternoon, at my house, to proceed on the within matters to me referred, and desire Mr. Thompson within named and all matters therein concerned to take notice.

"ROBERT ROCHFORD.

"Copia vera: Examined per WILLIAM ORMSBY, Deputy Remembrancer.

fol. 279 b.

"To the Chancellor Treasurer, Lord Chief Baron, and the rest of the Barons of his Majestie's Court of Exchequer.

"May it please your Lordships,—According to an order of the Courte of Exchequer, dated the 23th of January, 1700[-1], on behalfe of the Corporation of the towne of Gallway, I have examined the matters thereby to me refferred and doe find that Queen Elizabeth, by indenture under the great seale of Ireland, bearing date the 11th day of September, 1578, demised unto the Mayor, Bayliffs and Commonalty of the towne of Gallway, and their successors, all and singular the customes, petty customes, etc., for the term of 50 yeares, to commence from the expiration of a former lease made of the premisses unto Anthony Fitton, gentleman, for the term of 21 yeares, bearing date the

22th of June, in [1576] the 18 year of her said Majestie's reign, at the yearly rent of 48*li*. 16*s*. 8*d*., which lease I find expired in the year 1648.

"I farther find, by severall charters and grants from the late Queen Elizabeth and King Charles the Second, that most of the particulars in the said lease were granted away to the said Corporation of Gallway, and their successors, and to the Archbishop of Tuam and one Mrs. Elizabeth Hamilton for ever.

"I find likewise by the affidavit of Mr. Robert Shaw, Towne Clarke of the towne of Gallway, dated the 11th of March last [1700-1], which I have hereunto annexed, that the said Corporacion hath not these 30 years past enjoyed any of the particulars mentioned in the said lease other than such as are granted to them by their charters, and that he beleives, when King Charles the Second was restored, he tooke into his owne hands the customes and cocketts and seall therof, and the collectorship and fees and profittes mentioned in the said lease, which hath bin ever since enjoyed by the respective customers and collectors appointed by the Crowne, and that the Archbishop of Tuam, pursuant to the grant made him by the Crowne, enjoys the wardenshipp of Gallway, being united to the see of Tuam for ever.

"He further deposeth that the whole towne was by the Act of Settlement granted to [the 16] 49 officers, and a considerable quitt-rent reserved on them which they pay to the Crowne; nor doe they enjoy any houses, to his knowledge except the Tholsell and gaole thereunder and the ruined walls of a small plott whereon the Corporacion intended to build a Tholsell, and a small house or turrett on the towne wall at the key, whereon a guard is comonly kept, and two or three small sheds built against the towne wall, which he beleives not all sett for forty shillings per annum.

"Before I would make any report in this matter, I sent to Richard Thompson, Esquire, Clerke of the quitt-rentes, and Mr. Ben. Chetwood, to lay before me what information they could concerning this affaire; and the said Mr. Chetwood hath since acquainted me that he made inquiry relating to the said charge, and that he found noe reason in the office to issue the said charge. All which is submitted to your Honours this 16th day of February, 1701[-2].

"ROBERT ROCHFORD.

"Copia vera: RICHARD BARRY.

"xvii. die February, 1701[-2]:

"Whereas it appeares by constat from his Majestie's Auditor-General fol. 280. that all and singular the customes, petty customes, and cocketts, and the seale thereof, which from time to time shall grow or be due to her Highness, her heirs and successors, within the towne of Gallway, and within the port of the same towne and creekes of the said port, and the collectorship and profittes and comoditys thereof, and likewise the rent of the fee-farme of the said towne of Gallway, the duty or perquisites called the Bayliffes fish in the towne of Gallway and port of the same, and also the rectory and parsonage of the church of St. Nicholas of Gallway aforesaid, with all the heriditamentes, profittes, offerings, tythes, alterages, emolumentes, and other comoditys whatsoever thereunto belonging, the impost and custome of wyne lately granted to her Highness by statute, and that shall happen yearly within the said towne of Gallway, and the port, creekes, and franchises of the same, and the offices of Receiver and Controller thereof, and the fishing and other comoditys thereof, lately demised to Roger Challoner, onely excepted, were, by indenture under the great seale of Ireland, bearing date the 11th

ARCHIVES OF
TOWN OF
GALWAY.

day of September, 1578, in the 20th year of the reign of Queen Elizabeth, demised unto the Mayor, Bayliffes, and Comonalty of the towne of Gallway, and their successors, Mayors, Bayliffes, and Comonalty of the said towne for the term of fifty yeares, to comence from the expiration of the former lease made of the premisses unto Anthony Fitton, gentleman, for the term of twenty-one yeares, and bearing date the 22nd day of June, in the eighteenth yeare of her said Majestie's reign, at and under the yearly rent of *xlviijl. xvij. viijl.*, monete Hibernie, making *xxxviijl. xij. vid.* sterling, of which rent there was discharged the summe of four poundes, thirteen shillings and three pence per annum, being granted unto Sir John Everard and Patrick Gough by pattennt dated the 27th of January, *xiii^o Jacobi Primi*, and then remained the summe of *xxxj. xix. iijl.*, being the rent now in charge. And by charter from the late King James to the Mayor, Sherriffes, Burgesses of the county of the towne of Gallway, the same rent is reserved to the Crown.

"And whereas Robert Rochfort, Esquire, his Majestie's Attornie-Generall, on the 14th day of November, 1700, moved on the said constat for a seizure of the premises therein contained, alleading the rent reserved on the said lease to be arreares to his Majestie, thereupon it was ordered that a seizure should be accordingly issued, unless cause were shewn to the contrary within four dayes.

"And whereas by order of this Court of the *xxiiij* January 1700[-1], in was ordered on motion of Sir William Handcock, knight, Recorder of the city of Dublin, on behalfe of the Corporation of the said towne of Gallway, that the matter aforesaid should be and was referred to his Majestie's said Attorney-Generall to examine and reporte to the courte how he, found the same, that thereon such further order should be made as should be fitt.

"And whereas his Majestie's said Attorney-Generall had accordingly made his report, whereby it appears that he findes Queen Elizabeth did, by indenture dated as aforesaid, demise the said custom to the said Mayor, Bailiffes, and Comenalty of the said towne of Gallway and their successors for the terme aforesaid, and to commence as aforesaid, which lease he finds expired in the yeare 1648; that he further finds, by several charters and other grants from the late Queen Elizabeth and King Charles the Second, that most of the particulars in the said lease were granted away to the said Corporation and their successors, and to the Archbishopp of Tuam and one Mrs. Elizabeth Hamilton, for ever; that he likewise finds by the affidavit of Mr. Robert Shaw, Town Clarke of the said towne of Gallway, dated the second of March last, that the said Corporation hath not these thirty yeares past enjoyed any of the particulars mentioned in the said lease other than such as are granted to them by their charters; and that he believes, when King Charles the Second was restored, he tooke into his own hands the customes cocquetts and seale thereof, and the collectorshipp and fees and profitts mentioned in the said lease, which hath bin ever since enjoyed by the respective Customers and Collectors appointed by the Crowne; and that the Archbishopp of Tuam, pursuant to the grant made by him to the Crowne, enjoys the Wardenshipp of Gallway, being united to the see of Tuam for ever, and that, since the said Robert Shaw's time, the said Corporation have not received any rent of the fee-farm of the said towne, and that the whole towne was by the Act of Settlement granted unto the [16]49 officers, and a considerable quit-rent reserved on them, which they pay to the Crowne, nor doe they enjoy any house to his knowledge except the Tholsell and gaole, and the ruined walles of a small plot, whereon the Corporacion intended to build a Tholsell, and a small house or turrett on the towne, and at the key, wherein a guard is com-

monly kept, and two or three small sheds built against the towne wall, which he believes not all sett to forty shillings per annum.

His Majesties Attorneies Generall further setts forth that, before he would make and report in this matter, he sent to Richard Thompson, Esquire, Clerke of the Quitt-Rent, and Mr. Benjamin Chetwood, to lay before him what information they could concerning this matter, and the said Chetwood acquainted him that he made enquiry relateing to the said charge, and that he found no reason in the office to issue the said charge; now, upon motion of councill made on behalfe of the said Corporation of the towne of Gallway, moveing on the said former order and his Majestie's said Attorney-Generall's said report, praying in regard it appears by the said report that there is no ground for issueing the said charge of xxxi*li*. xixs., [iii*d*.], that the said Corporation may be discharged from the same and the arrears thereof:

"Wherupon, and on reading the said order and report this day in Court, it is ordered that the Corporation of the said towne of Gallway, and their successors, be and are hereby absolutely discharged from the said xxxi*li*. xixs., iii*d*., per annum, and all arreares therof, being the remainder of the rent of xlviii*li*. 16s. viii*d*., Irish money, makeing xxxvii*li*. xis., vid., sterling, reserved on the said lease made to the said Corporation, soe as the said Corporation and their successors be no farther troubled or charged therewith, and if the Collector or Sheriffes of the said towne of Gallway have taken any bondes, billes, distresses or other security, for this cause, they are on sight herof to res[tore] same. Whereof the Collector and Sheriffes of the said towne of Gallway and all other officers and persons concerned are to take notice.

"ROBERT DOYNE.

"This order was obtained and solicited by Alderman Robert Shaw, Clerke and agent of this Corporation, at their charge.

"Entred in the Office of his Majestie's Auditor-General, 6th March, 1701-2.

"CHARLES DERING, Auditor-General.

"Copia vera: RICHARD BARRY.

"A generall complaint of the scarcity or want of mony that good mutton was usually sold on markt days for fower pence, five pence and six pence per quarter, and ordinary small mutton for three pence or lesse.

"1702: Thomas Stanton, Esquire, was, on the first day of August, in the yeare of our Lord God 1702, and in the first yeare of the reigne of our Sovereigne Lady, Anne, by the Grace of God, Queen of England, Scotland, France, and Ireland, Defender of the Faith, etc., by unanimous assent, elected Mayor (the second yeare) of the said towne, and was, on the eighth day of August aforesaid, approved of by the Lords Justices and Councell of Ireland, and, on the 29th day of September following, sworne as usuall: fol. 281.

"And the said Thomas Stanton did, out of his sallary for the said yeare 1702, give one hundred poundes sterling towards the building the Exchange or new Court house which is intended to be built this yeare.

"Robert Ormsby, Esquire, Recorder.

"John Broughton, John Feuquier, Esquiers, Sherriffes.

"Robert Shaw, Alderman, Towne Clerke.

"This yeare, 1703, her Majestie nominated and appointed his Grace, James, Duke of Ormond, Lord Lieutenant General and Generall fol. 281b.

ARCHIVES OF
TOWN OF
GALLWAY.

Governor of this kingdom of Ireland, who, by her Majestie's order, issued writts for calling a Parliament to meet at Dublin the 21st of September, in the said yeare, and, in pursuance of a writt directed to the Sherriffes of the towne and county of the towne of Gallway, John Stanton and Edward Eyre, Esquires, were, by the freemen of the Guild Company of Merchantes, the Masters of the Severall Corporations, the four Serjeants at Mace, and freeholders (being Protestants) ellected burgesses to serve at the said Parliament for the said towne and county of the towne of Gallway.

fol. 282.

"1703: James Ribet Vigie, merchant, was on the first day of August, in the year of our Lord God 1703, and in the second yeare of the reign of our Sovereign Lady, Anne, by the grace of God, of England, Scotland, France, and Ireland Queen, Defender of the Faith, etc., unanimously ellected Mayor of the towne and county of the towne of Gallway, and was, on the 19th day of August aforesaid, approved of by their Excellencies the Lords Justices and Councell of Ireland, and was, on the 29th day of September following, sworne as usuall and took his place.

"Robert Ormsby, Esquire, Recorder.

"John Feuquier and George Gerry, Esquires, Sheriffs.

"Robert Shaw, Alderman, Towne Clerke.

fol. 283.

1704: John Eyre, Esquire, was, this yeare, by the most considerable and best of the Common Councell of the Corporation and Protestant inhabitants of the towne of Gallway, invited to towne and [to] take the Mayoralty on him, and accordingly was the first day of August, 1704, unanimously ellected Mayor for the ensuing yeare, approved of and sworn the 29th of September following, as usuall.

"Robert Ormsby, Esquire, Recorder.

"George Gerry and William Hind, Esquires, Sherriffes.

"Robert Shaw, alderman, Towne Clerke.

"This yeare, the memorable battles of Hocsted and Blenheim were fought by the troops of her Majestie and her allys, under the command of his Grace the Duke of Marlborough and his Highness Prince Eugene of Savoy, wherin the French and Bavarians were intirely defeated, the Marshall Tallard taken prisoner, the empire rescued, and forty thousand men disstroyd.

fol. 284.

"1705: John Eyre, Esquire, was, the first day of August this yeare 1705, ellected Mayor of the towne of Gallway a second yeare.

fol. 284b.

"William Hinde, Mark Wall, Esquires, Sherriffes.

fol. 285.

"1706: John Eyre, Esquire, was, on the first day of August, in the year of our Lord God 1706, and in the fifth yeare of the reign of our Sovereign Lady, Ann, by the grace of God, of Great Brittain, France, and Ireland Queen, Defender of the Faith, etc., ellected Mayor of the town and county of the town of Gallway, and was, on the thirty-first day of August aforesaid, approved of by their Excellencies the Lords Justices and Councill, and was, on the twenty-ninth day of September following, sworn as usuall.

"John Staunton, Esquire, Recorder.

"Mark Wall, William Fisher, Esquires, Sherriffes.

"Richard Rivett, gentlemen, Town Clerke.

"Memorandum: That the above named Mayor served this year gratis, in consideration that his salary of two hundred poundes should be applyed towards building the new Exchange.

ARCHIVES OF
TOWN OF
GALWAY.

"1707: Richard Wall, Esquire, was on the first day of August, in the year of our Lord God 1707, and in the sixth year of the reign of our sovereign Lady, Ann, by the grace of God of Great Brittain, France and Ireland, Queen, Defender of the Faith, etc., elected Mayor of the town and county town of Gallway, and was, on the thirty-first day of August aforesaid, approved of by his Excellencie the Lord Lieutenant and Councill, and was, on the twenty-ninth day of September following sworn as usuall. fol. 286.

"John Staunton, Esquire, Recorder.

"William Fisher, Henry Lardner, Esquires, Sherriffes.

"Richard Revett, gentleman, Towne Clerke.

"Memorandum: That the said Richard Wall dyed on the third day of July, in the year of his Mayoralty, in whose place John Gibbs, Alderman, was the same day elected and sworn for the remainder of the said year.

"1708: John Gibbs, Esquire, was on the first day of August in the year of our Lord God 1708, and in the seventh year of the reign of our Sovereign Lady, Ann, by the Grace of God, of Great Brittain, France and Ireland Queen, Defender of the Faith, etc., elected Mayor of the town and county of the town of Gallway, and was on the nineteenth day of August aforesaid, approved of by their Excellencies the Lords Justices and Councill, and was on the twenty-ninth day of September following sworn as usuall. fol. 287.

"John Staunton, Esq., Recorder.

"Henry Lardner, Edward Barrett, Esquires, Sherriffs.

"Richard Revett, gentleman, Town Clerke.

"Jarvis Hinde, Esquire, was, on the first day of August, in the year of our Lord God 1709, and in the year of the reign of our Sovereign Lady, Anne, by the grace of God, of Great Brittain, France and Ireland Queen, Defender of the Faith, etc., elected Mayor of the town and county of the town of Gallway, and was, on the twenty-seventh day of August aforesaid, approved of by his Excellency the Lord Lieutenant and Councill, and was, on the twenty-ninth day of September following, sworn, as usuall, in the new Courthouse, he being the first Mayor that was sworn there. fol. 289.

"John Staunton, Esquire, Recorder.

"George Staunton, Charles Gerry, Esquires, Sheriesses.

"Richard Revett, gentleman, Town Clerke.¹

"To the Mayor or Chiefe Magistrate at Gallway.²

"Admiralty Office, 28th of February, 1709-10.

"Sir,—I send you enclosed a commission or letter of mart for the John and Clement, John Davis, Master, which I desire you'll cause to be delivered to him after he has taken the oathes and subscribed the test as the law directs. I am, sir,

"Your most humble servant,

"J. BURCHETT.

¹ Leaves 288 and 290 to 300 are not in the Ms.; 301 is blank, 302 is missing, and 303 to 385, inclusive, are blank. See pp. 381-2.

² This document has, through oversight, been inserted in the Ms. after leaf 160 between the entries for 1631 and 1632. See p. 482.

ARCHIVES OF
TOWN OF
GALWAY.
—

“By the Commissioners for executing the Office of Lord High Admirall of Great Britaine, Ireland, etc. and of all her Majestie’s Plantations, etc.

“To the Mayor or Cheife Magistrate at Gallway in the kingdome of Ireland:

“By vertue of the power and authority to us given by an act of Parliament made in the first year of the reigne of their late Majesties King William and Queen Mary entituled an act for abrogating the oaths of supremacy and allegiance and appointing other oaths, wee doe hereby empower, direct and depute you to administer and tender the oaths and test, appointed by act of Parliament, unto such persons whose commissions, warrants or letters of mart shall be sent unto you, and see that they take the said oaths and subscribe the said test before you deliver the same to them; and you are to returne to this Board their subscription of the test, togeather with a certificate under your hand of their having taken the said oaths.

“Given under our handes, this 25th day of February, 1709-10.

“ORFORD.—J[OHN] LEAKE.—P[AUL] METHUEN.”

INDEX.

A.

Abdication, meaning of the word ; 120.
 Abercorn :
 Earl of (1691), his cavalry ; 147.
 — sent to France ; 154.
 — killed ; 155.
 Absentees from Ireland ; 221, 227.
 ordinances against ; 261.
 Acmacart ; 239.
 prior of ; 242.
 Actions, purchase of protection against ; 308.
 Adamstowne ; 32.
 Addison, Nicholas, of Wicklow ; 41.
 Adkip ; 214.
 Admiral, Lord High ; 520.
 Admiralty :
 High Court of ; 272.
 Office ; 519.
 Adrian IV., Pope ; 221, 223.
 Adthy ; 218. *See* Athey.
 Adultery ; 398.
 Aghebillir ; 235.
 Aghebo ; 225, 241.
 deanery of ; 241.
 Aghmacart, prior of ; 226.
 Aghmylre ; 239.
 Aghteyr ; 240.
 Aghthour ; 225, 239.
 deanery of ; 239, 240.
 Aicken, Alexander, petition of ; 58.
 Ailward :
 Peter ; 274, 275, 277.
 Richard ; 277.
 Alan, John, Archbishop of Dublin ; 205, 206.
 Aland, Henry, petition of ; 16.
 Albani, Signor, his oration on James II.'s death ; 189.
 Albemarle :
 Duke of (1666) ; 10.
 — (1667), his estate in Ireland ; 38.
 — his troop ; 48, 55, 97, 100.
 Earl of, William III.'s dying instructions to ; 193.
 Alcoran ; 230.
 Aldhouse, Corporal Benjamin ; 78.
 Aldridge, William ; 25 *note*.

Alexander ; 230.
 Sir Jerome ; 71.
 — petition of ; 49.
 Alexander III., Pope ; 205, 206, 217, 221, 223.
 Alexander IV., Pope ; 205, 207, 208, 209.
 Allen, Thomas ; 46.
 Almery, George, adventurer ; 28, 29.
 America ; 103.
 American islands ; 377.
 Amor, Anne ; 49.
 Amory :
 John ; 505, 508, 513.
 Robert ; 508.
 Anaghbeg, camp at ; 162.
 Analecta Sacra ; 343.
 Anderson, John, soldier ; 103.
 Andrew :
 Richard ; 309.
 — petition of ; 74.
 William ; 292, 293.
 Andrews :
 Francis ; 513.
 John, petitions of ; 33, 77.
 Thomas ; 503, 508, 511, 51
 Anglesey :
 Earl of (1666) ; 13.
 — (1668), petition on behalf of ; 78.
 — (1669) ; 101.
 — troop ; 103.
 Anne :
 Princess, her regiment ; 146.
 Queen ; 512, 517, 518, 519.
 — proclaimed ; 195.
 — her war with Spain ; 197, *et seq.*
 Annegeliffe, tithes of ; 25, *note*.
 Annesley, Lord (1668-69), his troop ; 54, 77, 89, 94.
 Anthrobus, William, of Athlone ; 66.
 Antrim :
 lands in ; 90.
 Earl of (1690), on the Boyne ; 133.
 Marquis of ; 357.
 Antwerp ; 352.
 Aqua rubicunda ; 227.
 Aqua vitæ ; 221, 222, 227, 470.
 treatise on ; 254.
 at Kilkenny, making ; 256.
 Aquaviva, Claudio ; 340.
 Aran :
 Clan Tiege of ; 424, 425 *passim*, 426.
 Isles of ; 424, 425 *passim*, 426, 479.
 See Arran, and MacDonnell.

- Archbold :
 —, his tithes ; 96.
 Gerrard, petition of ; 50.
- Archer :
 Hen., his lands ; 32.
 John, petition of ; 85.
- Arco ; 218.
- Ardee, co. Louth ; 58.
 gaol at ; 72.
 William III. at ; 132.
- Argyle :
 Earl of ; 201.
 — his rebellion ; 115.
- Arlington, Lord (1666), letter to ; 19.
- Armagh ; 341.
 Jesuits in ; 344.
 militia ; 31.
 diocese of ; 362.
 see of ; 345, 367.
 Archbishop of (1666) ; 25.
 — letters of ; 360, 361, 362.
 — treatise by ; 364, *et seq.*
 — Richard Fitz Ralph ; 225.
 Archbishops of ; 341–345, 350, 367, 373–375.
 Vicar-General of ; 350.
- Armenia ; 320.
- Armitage, William ; 11.
- Armorer, Sir Nicholas ; 38.
 petitions of ; 59, 103.
- Arms :
 use in Ireland of, regulations touching ; 178.
 sale of, &c. ; 315.
- Armstrong :
 Capt., killed ; 129.
 Sir Thomas ; 77.
- Arondelis gate ; 312.
- Arran or Aran :
 Earl of (1666) ; 15.
 — (1668), his company ; 63, 78, 83.
 isles of ; 19.
 — troops in ; 102.
 and Boffin, Governor of ; 70.
- Arsich, Manasser ; 213.
- Arsick, John, son of Alexander ; 214.
- Arthur :
 Captain, of Hackettstown ; 179.
 Col., killed ; 154.
 Major Thomas, death of ; 135.
- Asbold, Thomas ; 264.
- Asbolde, William ; 264.
- Aspine, John, carman, murder of ; 63, 64.
- Aston :
 Sir William, judge ; 19, 26, 64, 65, 68, 91, 92.
 — report by ; 42.
- Astwood, Robert, porter of Dublin Castle ; 87.
- Athenry ; 1, 388, 389, 407.
 Lord (1666), petition of ; 1.
 — certificate of ; 75.
- Athens, Archbishop of, at the death-bed of James II. ; 183.
- Atherdee, Lord (1661), his troop ; 66.
- Atherton, John ; 278.
- Athesil, Prior of ; 207, 226.
- Athey, Athy :
 Edmond ; 448, 457.
 Frances ; 490, 494.
 Frauncis ; 484, 485.
 John ; 445.
 Marcus ; 443.
 Ullick ; 495.
 Walter ; 448, 452.
- Athlone ; 50, 137, 139, 157.
 siege of ; 138.
 capture of ; 146–148.
 governor of ; 52.
 Earl of (1702) ; 198.
- Athy, Walter, petition of ; 101.
- Atkinson :
 Richard, soldier ; 26, 27.
 Samuel, trooper ; 42.
- Aughrim :
 battle of ; 107, 136, 137, 139, *et seq.*
 — officers killed and taken prisoners at ; 153, 154.
 castle ; 147, 153.
- Augustines, Priors of ; 205.
- Aulfrey, Paul ; 15.
- Aungier :
 Lord (1667), his troop ; 43, 97, 100.
 Ambrose, petition of ; 94.
- Aunsham, Nicholas, petition of ; 89, 92, 95.
- Autun, Bishop of ; 187.
- Avaux, Count d', ambassador ; 128.
- Avignon ; 225.
- Aylward :
 John ; 277.
 Peter ; 275.
 Richard ; 276.

B.

- Baden, Prince Lewis of ; 198.
- Bagnol, Col. Dudley, in France ; 180.
- Bailiffs' fish ; 513, 515.
- Bainbridge, Jacob, petition of his widow Margaret ; 78.
- Balamarfy ; 238.
- Baldarg, a nickname ; 155.
- Balidude ; 214.
- Balimore ; 213, 214, 218.
 castle of ; 209.
 fair at ; 210.
 markets at ; 209.
- Balislaiethyr ; 219.
- Ballagh ; 235.
- Ballibans ; 487.
- Ballifruke ; 32.
- Ballimacle ; *ib.*
- Ballinasloe ; 148.
- Ballinedy castle ; 142.
- Ballintemple, tithes of ; 25 *note.*
- Ballintober, barony of ; 30.
- Ballybur, co. Kilkenny ; 27.

- Ballyfarmott parish, petition from ; 79, 80.
 Ballymackill ; 278.
 Ballyscorney, co. Dublin ; 51.
 Ballyvran, co. Kilkenny ; 27.
 Balscot, Alexander ; 262.
 Baltinglas ; 207.
 abbey of ; 210.
 Viscount (1666), petition of ; 16.
 — (1691) ; 158.
 Baly, Tho. ; 263.
 Balyburry ; 238.
 Balyfassath ; 236.
 Balyhinan ; 213.
 Balymacdon ; 215.
 Balyngeragh ; 235.
 Balyrochgane ; 219.
 Balytarsyn ; 236.
 Bambridge, Margaret, petition of ; 43.
 Banagher, Banhoer :
 bridge ; 145, 147, 157.
 taking of ; 154.
 Bankes :
 Henry, petition of ; 20.
 — his case with Abp. of Tuam ;
 20-25.
 Banks, Jo., of Wicklow ; 41.
 Banting, Ensign Ja., petition of ; 70.
 Bantry fort, governor of ; 48.
 Baptisms ; 349.
 Baptista, John ; 353.
 Barbadoes ; 26, 35, 47, 73, 91, 94.
 Barberini :
 Archives ; 345.
 Cardinal ; 199.
 Barbour, Thomas ; 331.
 Barcally ; 480.
 Barcelona ; 200.
 Barclay, Hugh ; 21.
 Barcroft :
 Ambrose ; 25 *note*.
 Andrew ; 25, *note*.
 Barkely, James, of Dublin ; 16.
 Barker :
 Joan, petition of ; 90.
 William ; 15.
 — petition of ; 73.
 William-Mansfield, Brigadier, killed ;
 154.
 Barnard, Richard ; 502.
 Barnes, Daniel ; 462.
 Barnewal, Captain, Governor of Castle-
 Connel ; 143.
 Baron, William ; 276.
 Barowe ; 218.
 Barragh, rectory ; 97.
 Barre. *See* Barry.
 Barrett, Barret :
 Colonel, governor of Waterford ; 138,
 139, 179.
 Edward ; 519.
 John ; 502.
 — petition of ; 98.
 Lawrence, of Clonturke, petition of ; 5.
 Barron, Lawrence ; 279.
 Barrow, Col. Humphrey ; 53.
 Barry :
 Matthew ; 60.
 Barry—*cont.*
 Matthew, his certificate ; 97.
 Richard ; 329, 515, 517.
 — certificates by ; 12, 27.
 — petition of ; 84.
 Robert ; 376.
 Thomas ; 228, 264, 265.
 William, petition of ; 55.
 Barrymore, Earl of (1666) ; 11, 16.
 Bartlett :
 Capt. John, petition of ; 8.
 William, sergeant ; 55.
 Barton, Thomas ; 46.
 Basilicon Doron ; 345.
 Bastard wine ; 428.
 Bath :
 abbey of ; 270.
 priors of ; 271, 314.
 Bathe, William ; 342, 352.
 Bathorne, Edward and Harvey ; 51.
 Batoniis, Alanus de ; 218.
 Batte, Edward, of Clonmel ; 56, 58.
 Baxter, John, assignment by ; 77, 78.
 Bayly :
 Nicholas ; 508.
 Major Nicholas, petitions of ; 70, 81.
 William, petition of ; 91.
 Beats, Richard ; 56.
 Beaulu ; 236.
 Bedborough, Thomas ; 80.
 Bedeford, Adam de ; 213.
 Bedmar, Marquis of ; 198.
 Bedvins, John ; 95.
 Begge, Richard ; 390.
 Belcunglas. *See* Baltinglas.
 Belgium ; 354, 377.
 Bell, Humphrey ; 78.
 Bellarmin :
 Cardinal ; 119, 340, 343.
 — letter of ; 346.
 Bellassis, Henry ; 513.
 Bellasyse, Henry ; 510.
 Bellew, Lord (1690) ; 131.
 Bellingham :
 Sir Daniel, lord mayor of Dublin ; 2.
 — order to ; 45.
 Bellings, Richard ; 270, 279, 306.
 Bence :
 Alexander ; 44, 45, 81.
 — replication of ; 38.
 — orders to ; 38, 39, 54.
 — grant to ; 12.
 John ; 44, 45.
 — order to ; 38, 39.
 Benefices, plurality of ; 219.
 Bennet :
 Mons., priest of St. Germain's ; 183,
 189.
 Secretary, letters of and to ; 60.
 Benson :
 James ; 73.
 John, petition of ; 103.
 Bentley, Nathan, petition of ; 77.
 Berford :
 Michael, petition of ; 19.
 Richard ; 279.

Berkeley :

Lord (1666-69), his regiment or troop ; 1, 64, 66, 84, 87, 99, 102.

— John ; 361, 503.

the viceroy ; 344.

Capt. Maurice ; 50.

Berman, John ; 56.

Bermingham :

Lord (1667), his house ; 22.

John ; 492.

Bermudas ; 346, 377.

Berronstrond, Waterford ; 276.

Bertie, Captain, his troop ; 80, 101.

Berwick :

Duke of, his defence of Cavan ; 128, 129.

— at the battle of the Boyne ; 134.

— at Limerick ; 142.

— (1713), in Spain ; 200.

Betagh, Henry, Chr., Richard, and Luke, petition of ; 53.

Beverley, Nicholas ; 295, 296.

Beversham :

Major John ; 97.

— his company ; 73.

Bicknor, Alexander de, Archbishop of Dublin ; 205, 218, 223, 224, 225.

Billingsley, Ralph, servant of Duke of Ormonde ; 44.

Bindon, Henry, of Limerick ; 98.

Bingham, John ; 507, 513.

Bingley :

John ; 478.

Major Richard, debt of ; 69.

Birne, John ; 279.

Birr, King's County ; 157.

Bishop, John, soldier ; 42.

Bishops, the seven, and James II. ; 115.

Black, John, petition of ; 67.

Blackburne, Christopher, petition of ; 63.

Blackcastle ; 19.

Blackmore, Robert, petition of ; 103.

Blainville, Marquis de ; 199.

Blake :

Andrew ; 456, 508, 509.

Andrew Oge ; 507.

Antony ; 405.

Arthur ; 448, 450, 451.

Christopher ; 460.

Dominicke ; 494, 497.

Frances ; 403, 488, 491, 493, 494.

Francis ; 476, 490, 508, 509.

Geffrey ; 385, 458.

Henry ; 491, 508.

James ; 429, 498.

John ; 392, 415, 421, 426-459 *passim*, 471, 488-501 *passim* 509.

— Fitz Henry ; 419.

Marcus ; 448, 457, 469, 475, 495, 498, 509.

Nicholas ; 407, 415-419, 459, 473, 491, 493, 494.

Patrick ; 418, 452, 457, 507, 509.

Richard ; 279, 356, 388, 398, 405-419 *passim*, 435, 473, 475, 488, 491, 493, 507, 509.

— Fitz Geffre ; 416.

Blake—*cont.*

Sir Richard ; 96.

Robert ; 458, 459, 469, 471, 507, 508.

Thomas ; 385, 401, 411-423 *passim*, 463, 484-491 *passim*, 509.

Vallantine or Valentine ; 440, 442, 461-480, 488, 490, 491, 492.

Valentyne Fitz Water ; Fitz John ; 476.

Wallintyn ; 386.

Walter ; 392, 418, 471, 479, 484, 488-500 *passim*, 507, 508.

Blakeney, Robert ; 512.

Blanchvillstowne ; 226, 237.

tithes of ; 97.

Blenheim ; 518.

Blueth, John ; 278, 279.

Blund, Radulph ; 217.

Blunt, Walter Kirkham, petition of ; 83.

Bodehame, Walter de, and Thecla, his wife ; 218.

Bodkin, Bodiken, &c. :

Alexander ; 475, 489, 491, 493.

Ambrose ; 420, 421, 495.

Arthour ; 459.

Christopher ; 387, 457, 462, 465, 466, 484, 499.

David ; 413.

Davy ; 462.

Dominick ; 447, 507, 508, 509.

Edmond ; 390, 410.

Gregory ; 420.

John ; 398-414 *passim*, 460, 469, 488, 490, 493, 509.

Marcus ; 462.

Nicholas ; 494, 497.

Richard ; 389, 402, 439, 462.

Shirriffie ; 463.

Thomas ; 386, 392-395 *passim*.

Rodleian Library ; 344.

Boffin :

Arram and, governor of ; 70.

Lord of, a prisoner ; 154.

Bogeryn, lands of ; 211.

Boisselau, Major-General :

in Ireland with James II. ; 127.

exasperation against ; *ib.*

governor of Limerick ; 142, 145.

Bologna ; 342.

Bolton :

Edward, trooper ; 51, 77, 89.

— petitions of ; 92, 95.

Bonaventur, Mary ; 499.

Bonaventure, ship ; 492.

Boork :

John ; 468.

Richard ; 468.

Thomas ; 486.

See Bourke.

Booth :

John ; 4.

Mr. Justice ; 48.

Sir Robert, justice ; 58.

Bor, John, petitions of ; 84, 95.

Bordwell ; 241.

Boswell :

Henry, of Wicklow ; 41.

Robert, trooper ; 97.

- Boteler, Capt. John; 55.
 Bottiller, James le. *See* Ormonde.
 Boufflers, Marshal, on the Rhine; 198.
 Bourke:
 Lord, killed; 153.
 — of Brittas (1691); 161.
 Colonel, in Aughrim castle; 153.
 Col. David, killed; 154.
 Edmond; 470, 471.
 Col. Michael, governor of Duncannon;
 138.
 Thomas, of Pallis; 96.
 Col. Ulick, killed; 154.
 Walter; 470, 471.
 — petitions of; 87, 98.
 — his reprieve; 98.
 Col. Walter, in Aughrim castle;
 147.
 — a prisoner; 154.
 — at Cremona; 192.
 Bowbridge, on the Liffey; 4.
 Bowyer:
 Robert, petitions of; 52, 60.
 — his lands; 101.
 Boy, James, of the Shoemakers' Corpora-
 tion; 28, 29.
 Boyd:
 Thomas, lease to; 63.
 — petition of; 83.
 Boyle, Robert, petition of; 15.
 Boyne, the:
 Old Bridge on; 131 *et seq.*
 battle of; 132 *et seq.*
 Boys:
 J., of Wicklow; 41.
 John, petitions of; 74, 77.
 Boyt, John, petition of; 60.
 Brabazon:
 Lord (1664) complaint against his
 troopers; 5.
 — his troop; 8.
 — (1667), his troop; 38, 46.
 — (1668); 51, 78.
 Captain, his company; 2.
 Capt. Edward, petitions of; 2, 105.
 Lieut. Edw., petition of; 73.
 Malby; 478.
 Bradock, John, petition of; 69.
 Bradshaw:
 Edmund; 73.
 Roger, trooper; 76.
 Brady, Patrick, petition of; 12, 13.
 Brahan, Winifred, petition of; 35.
 Bramhall, John, Primate of Ireland; 20.
 Bramston:
 Capt. John, Governor of Athlone; 52.
 Col. John; 89.
 Branock, Walter; 56.
 Bray, Donagh; 80.
 Brazier, Paul, petition of; 19.
 Bre or Bray; 218.
 Breack, Teig; 320.
 Bread, assize of; 266, 267, 272, 290.
 Breawen or Brehon; 258.
 Brehons family; 403 *note*.
 Bremingham, John; 495.
 Brenegan, Henry; 386.
 Brenn:
 Capt. Henry, collector; 59.
 Henry, debt of; 69.
 Brennon, Captain; 9, 10.
 Brereton:
 Harry; 39, 40.
 Henry, receiver; 52.
 — order to; 52, 66.
 Brest; 128, 136, 155, 181.
 Brewere, Jeames; 301, 302.
 Brian, John; 330.
 Bridgman, Major Henry; 43.
 Brimighame, Donnell McRobwecke; 470,
 471.
 Brisbane, Thomas, petition of; 87.
 Briscoe, Edward, petitions of; 78.
 Brise, Robert, petition of; 67.
 Bristol:
 Abley of St. Augustin; 221, 223,
 226, 261.
 —bond barrel; 478.
 Richard; 329.
 Briver:
 Francis; 278, 279.
 Mrs.; 269.
 Brochey:
 Edward, petition of; 42.
 — pardoned; 42, 43.
 Brock, Robert; 502.
 Brockagh, lands in; 93.
 Broduers; 272.
 Brodwell, John, trooper; 101.
 Bromfield, John, petition of; 63, 64.
 Brook, William; 39.
 Brooke, William, trooper; 100.
 Brookes:
 William; 492.
 — petition of; 87.
 Brooking, Richard, petition of; 53.
 Brothre, Robarte; 319.
 Brough:
 Anne wife of John, petition of, &c.;
 16-19.
 Walter, petition of; 17.
 Broughton:
 Captain, his company; 33.
 Major; 91.
 John; 512, 517.
 Brown, Browne:
 Andrew; 388, 413, 420, 421, 423,
 481, 488, 491.
 Dominick; 389, 414, 421, 426-455
 passim, 462, 478, 484, 488-495
 passim, 507, 509.
 Edward; 494.
 Geff., certificate of; 75.
 Geffrey; 455, 488, 490, 491, 493, 494.
 Gennett; 490.
 Geoffry, petition of; 31.
 George; 507, 509.
 Godefredus; 356.
 Ignatius; 360, 363.
 James; 503, 507, 508.
 John; 277, 490, 509.
 Col. John, Commissioner; 173.
 Marcus; 495, 509.
 Mary; 490.

Brown, Browne—*cont.*
 Michael; 277.
 Nicholas; 278, 389.
 Oliver; 432, 461, 462, 509.
 Richard; 389, 419, 421, 447-456
passim, 505, 508, 511, 513.
 Robert; 264, 389.
 Thomas; 289, 311, 439, 461.
 — petition of; 48.
 — and James, certificate by; 4, 5.
 Valentyn; 492, 507.
 William; 295, 324.
 Walter; 469, 471, 488, 491, 493.
 Bruce, war of, in Ireland; 221.
 Bruges; 32.
 Brusebon, Richard; 292.
 Bryan:
 James, sheriff of Kilkenny; 37.
 P.; 356.
 Philip; 313, 315, 317.
 Bryver, James; 277.
 Buck, Thomas; 504.
 Buckworth, Cornet John; 54.
 Budeford, Adam de; 214.
 Buird, Walter; 502.
 Bulkeley:
 Ensign Henry, petition of; 67.
 — order concerning; 68.
 Richard; 102, 105.
 Bull, the Fabricated; 345, 371.
 Bullinbroke, John; 503, 504, 507.
 Bullstowne, lands in; 77.
 Bulteele, James; 503.
 Bumstead, Robert, trooper; 98.
 Bunbury, Joseph, petition of; 78.
 Bunowan; 445.
 Bunting, Rowland; 14.
 Burch, Ebenezer; 25 *note*.
 Burchett, J.; 519.
 Burdett, Samuel, petition of; 45.
 Burgerys, Henry and Giles, petition of;
 40.
 Burgh, Burgo:
 De; 380.
 John de; 355, 375.
 Richard de; 205, 211, 217.
 Burke:
 John; 498.
 Thomas; 56.
 Ullicke Oge; 494.
See Bourke.
 Burlington and Cork, Earl of (1666); 15.
 Burrowes:
 co. Carlow; 92.
 Randal, petition of; 58.
 Burt, Boyle:
 quarter master; 92.
 order to; *ib.*
 Bush, Paul, trooper; 89.
 Bushell, George Scanderbegg; 502.
 Butler:
 Lord, of Dunboyne; 161.
 Capt., his troop; 84.
 Bartholomew; 508.
 Edward; 8, 66.
 — charged with murder; 50.
 — son of Lord Mountgarrett, peti-
 tions of; 81, 82.

Butler—*cont.*
 Francis; 279.
 James; 274, 275.
 John; 273, 305, 309, 316, 453.
 Lord John, petition of; 74.
 — his troop; 97.
 Col. John, his company; 73.
 Margaret, petition of; 39.
 Richard; 277, 278, 429, 431.
 Col. Richard, his regiment; 126.
 Robert; 322, 324, 325.
 Theobald; 29 *note*, 56.
 Thomas; 56.
 — petition of; 35.
 Col. Thomas, a prisoner; 154.
 Thomas; 491.
 Sir Toby, Commissioner; 173.
 Butter, price of; 394.
 Butterfield:
 Patrick; 29 *note*.
 Richard, trooper; 89.
 Button-makers; 272.
 Buzan, Leo de; 216.
 Bygdon, John; 263.
 Byrne:
 Anderley; 91.
 Darby; 34.
 Tirlogh, petition of; 39.
 Byron:
 Sir Robert, Master of the Ordnance;
 32.
 — his company; 45, 74.
 — certificate of; 74.
 — his soldiers; 101.
 Byrr castle, siege of; 145.
 Byssie, Jo., report by; 44.

C.

Cabra rectory, co. Sligo; 96.
 Caffie, John; 56.
 Cahan, Nicholas; 425.
 Cahir:
 Lord (1691), in the Tower; 146.
 Baron of, a prisoner; 179.
 Caillemote, Col. de la, death of; 135.
 Calais, James II. at; 186, 187.
 Callagane, Peeter; 338.
 Callan; 234, 242, 265, 267, 309.
 rector of; 262.
 Calvinists; 377.
 Cambie, Samuel; 506, 508, 509, 513.
 Camby, Samuel; 505.
 Camden; 380.
 Camell, John; 401.
 Campbell, Archibald, petition of; 57.
 Cane:
 Lieut. Norris; 57.
 — loan to; 67.
 Cannady. *See* Kennedy.
 Cantwell:
 John, his lands; 32.
 Oliver; 221, 227, 264.

- Carafa, Vincenzo; 341, 355.
 Carcoman; 237.
 Card-playing; 403.
 Care, Nathaniel; 56.
 Carilla, Alfonso; 347.
 Carleton:
 Lieut., his quarters; 84.
 Carlingford, Earl of:
 (1668), petitions of; 50, 69, 74, 86, 89.
 opinion and report on his petition; 7.
 killed on the Boyne; 135.
 Carlow; 6, 136, 267.
 lands in; 74.
 sheriff of; 84.
 Carmelites; 492.
 Carney:
 Barnabas; 352.
 Richard, petition of; 54.
 Caroll, Teyg; 319.
 Carpenter:
 Edward; 463.
 Capt. Philip, petition of; 83.
 Carpenters, hire of; 401.
 Carr, Nathaniel, petition of; 84.
 Carrick:
 William III. at; 138, 139.
 Carrickfergus; 61, 73.
 landing of William III. at; 130.
 castle, constables of; 89.
 Carrick-Inish, camp at; 157, 160.
 Carriginlish, William III.'s army at; 139.
 Carroll:
 Brigadier Anthony, governor of Nenagh; 157.
 Donogh; 29 *note*.
 Keane, petitions of; 62, 74, 75, 79, 80, 84, 87, 88.
 Mary, petition of; 38.
 William; 29 *note*.
 — petition of; 55.
 Carrowbrown; 509.
 Carter, rear admiral; 170.
 Carteret, Captain, his company; 91.
 Cartmel; 214.
 Priors of; 206.
 Cartown, co. Kildare; 158.
 Cartwright, Thomas; 504, 505, 508, 511, 513.
 Cary. *See* Falkland.
 Case, Robert, petition of; 31.
 Cashel; 267, 309, 340, 347, 352.
 English troops at; 145.
 Council of; 223.
 Archbishop of (1691); 166.
 Archbishops of; 205, 209, 340, 341, 343, 375.
 — letters of; 346, 347, 348, 352.
 archbishopric of; 233.
 Cashen, Edward, petition of; 88.
 Castell Blathach; 211.
 Castlan; 236.
 Castle Chamber, Court of; 350.
 Castle-Connel, capture of; 143.
 Castledermot; 136.
 William III. at; 138.
 See Tristildermot.
 Castle Erleye; 235.
 Castlemartin; 179.
 Castle, William; 6, 7.
 Catalonia, war in; 200.
 Catherlaghe; 318. *See* Carlow.
 Cathin, Morgan; 29 *note*.
 Catholics in Ireland, their weak state; 123, 124.
 levies of, for James II.; 124, 125.
 treaty touching; 174.
 condition of; 343, 345, 348, 349, 351, 371.
 severities against; 393.
 proclamation against; 372.
 Archbishops; 345, 346.
 Bishops, expulsion of; 344.
 their Church; 346, 363, 377, 378.
 mayor; 381, 382.
 Prelates; 346, 375, 376.
 schools; 344.
 their treatment by Queen Elizabeth; 116, 117.
 in England; 344, 357.
 Catinat, Marshal, on the Rhine; 198.
 Cattaneo, Padre; 361.
 Cavan:
 gaol; 102, 105.
 fight at; 128, 129.
 battle of; 141.
 county; 350.
 impropriate tithes in; 25 *note*.
 adventurers in; 80.
 Cave:
 Captain; 57.
 Lieut. Norris, petition of; 51.
 Cayre, John; 399.
 Cecil, Colonel, his company; 35, 36, 38, 77.
 Chaafe, Robert; 29 *note*.
 Chaddesworth, Thomas de; 216.
 Challenor, Roger; 513.
 Challiot, nunnery at; 186, 187, 189.
 Chamberlain, Chamberlayne:
 Edward, petition of; 19.
 Dr. Edward; 119.
 Roger; 1, 30.
 — saddler; 9.
 Chambre, John; 11.
 Chamerham, John de; 217.
 Chamneys, John, petition of; 86.
 Chapelizod; 4, 7, 136.
 William III. at; 139.
 Chaplain, Captain, killed; 135.
 Chapman, John, of Wicklow; 41.
 Chappell, William; 89.
 Charlemont:
 siege of; 129.
 Lord (1666), his troop; 10.
 — (1667); 46.
 Charles I.; 269, 278, 279, 337, 339, 377, 378, 381, 486, 491.
 Charles II.; 342, 344, 378, 381, 499, 505, 512, 515, 516.
 — and the Catholics; 127, 174, 175.
 Charles V., Emperor, his abdication; 120.
 Charleville; 362.
 Chasey, John; 56.

- Chateau Renault, Count de, fleet under; 181.
- Cheevers:
—, his tithes; 96.
Jerome, petition of; 69.
- Chester; 3, 8.
- Chetwood, Ben; 515, 517.
- Chichester:
Arthur; 345, 374.
Sir Arthur; 43.
— charge against; 68, 81.
Capt. John, charge against; 68, 81.
- Chievers, Lord of Mount Leinster; 178.
- Church, the:
encroachments on rights of; 208.
liberties of; 226.
statutes relative to; 257.
- Churchill, Lord, afterwards Duke of Marlborough, his command in Ireland; 146.
- Cistercians; 208.
- Citeaux, Abbot of; 205.
- Clafford; 217.
- Clahella, John de; 211.
- Clancaleboy; 413.
- Clancarty:
Earl of (1691), in the Tower; 146.
(1691), a prisoner; 179.
- Clandouze; 413.
- Clanm'Conchour; *ib.*
- Clanricarde:
Earl of (1690), on the Boyne; 133.
— (1691), his son; 154.
— (1691), his son killed; 153, 154.
- Claragh; 224, 225, 227, 238.
deanery of; 237, 238.
- Clare; 126, 424.
- Clarendon, Lord Chancellor; 344.
- Clark, Clarke:
alias Thompson, Elizabeth; 3.
John; 505, 508, 513.
Robert; 501, 503.
— petition of; 45.
William, surgeon-general, his debts; 3.
- Clarthaune; 211.
- Clauer, John, petition of; 91.
- Clavaine, Catt; 56.
- Claxam *alias* Missett, Mary, petition of; 99.
- Clayton:
Col. Randal, petition of; 10.
— his company; 86.
Robert, his ironworks; 65.
- Cleere or Cleer, William; 278, 509, 510.
- Clement IV.; 216, 218.
- Clement V.; 206, 345.
constitutions of; 219.
- Clement VI.; 220, 225.
- Clement VIII.; 343.
- Clement XI.; 199.
his speech on James II.'s death; 189.
- Clerc, John le; 213.
- Clery, Philip; 343, 354.
- Clifford, Brigadier, at Limerick; 162, 163, 168.
- Clignett, John, administrator; 86.
- Clinton, Thomas, petition of; 89.
- Clogher, Bishop of; 342, 346, 376.
— John Stearne; 224.
- Clomantagh; 240.
- Clonard; 219.
- Clondangen; 211, 215.
- Cloncassy; 32.
- Clonfert:
diocese of; 97.
Bishop of; 376.
Dean of; 209.
- Clonkeenkerill parish; 96.
- Clonlish barony, proprietors in; 29 *note*.
- Clonmackargill; 218.
- Clonmacnoise, Bishop of; 342, 376.
- Clonmel; 6, 36, 84, 267, 309.
garrison in; 55, 56, 58, 66.
capture of; 138.
- Clonshaven, cartton of; 30.
- Clontarfe, sands near; 63.
- Clonturke, petition of inhabitants; 5
- Clontybrit; 239.
- Clonymyl; 236.
- Cloonbrocke; 490.
- Closkreggy, co. Kilkenny; 32.
- Clothiers of Waterford; 273.
- Clynmethan; 217.
- Cnairsbrough, Thomas; 276.
- Cnoctofer; 235.
- Coach, Thomas, petition of; 26.
- Coape, Anthony; 91.
- Cockane, David, trooper; 8.
- Cocketts; 310, 321, 422, 513, 515, 516.
- Cod fish; 512.
- Coe, John, trooper, charge against; 99.
- Cogg, lordship of; 327, 336.
- Cohorn, General; 198.
- Coillach, Coillacht; 210, 212, 215.
land of; 209.
- Coityf, Helyas de; 211.
- Cokeston, Thom; 263.
- Coket, custom styled; 271. *See* Cocketts.
- Celclough:
Col. Dudley, at Limerick; 162.
Patrick, petition of; 40.
- Coldebeck; 276.
- Cole:
Sir John; 89.
Mathew; 103.
— petition of; 90.
Robert, petition of; 89.
- Coleman, James, petition of; 8.
- Coleraine, mayor of; 99.
- Colgan, Richard, petition of; 101.
- Collett, George, of Clonmel; 56, 58.
- Collice, Philip, petition of; 35.
- Collier:
Sir David; 146.
— a hostage; 166.
— governor of Limerick; 182.
- Collis, Capt. Charles, petition of; 42.
- Collman, Thomas; 388.
- Collooney:
Lord (1669), his troop; 89, 91, 92, 96, 100.
Baron of, petition of; 90.
- Colman, Edmond; 447.
- Colmekille; 236.

- Cologne; 341, 344, 357, 358.
 Colson, Richard, petition of; 68.
 Colt, Major, killed; 154.
 Colvill, James, trooper; 98.
 Comerford:
 James, his house in Dublin; 80, 85, 87, 88.
 John, petition of; 27.
 Nicholas, petition of; 35.
 — release of; *ib.*
 Patrick; 275, 375.
 Comin:
 John, Archbishop of Dublin; 205, 206, 209–213 *passim*.
 Comyr; 240.
 Concubines; 293, 295.
 Coningsby, Thomas, Lord Justice; 144, 173, 181.
 Connacht, Connaught; 211, 217, 346, 380, 422, 495.
 priests of; 223.
 President of; 70, 427, 440, 501.
 Vice President of; 39, 45, 463, 464.
 commissioner of valuation in; 66.
 Connell:
 Brigadier, killed; 154.
 Edmond; 56.
 Richard; 220, 222, 223.
 Symon; 56.
 Conneys, Thomas; 510.
 Connor, Bartholomew; 29 *note*.
 Connoue, ancient custom of; 424, 425.
 Connowe, Johanna; 265.
 Conor, Teige; 56.
 Conry, Edward; 46.
 Constable, Gregory; 503, 504, 505.
 Constantine, Emperor; 230.
 Conti, Prince of; 188.
 Conway:
 Viscount (1667) Edward, petition of; 42.
 — (1668) his troop; 73.
 Robert, charge against; 99.
 Lieut. Thomas, charge against; *ib.*
 Richard; 343, 347, 348.
 Conys, Thomas; 513.
 Cooke:
 Esther, widow of Clement, petition of; 2.
 George, petition of; 77.
 Robert, lands of; 93.
 Thomas, petition of; 38.
 Coolishe, George; 61.
 Coony, Connor, petitions of; 9, 36, 46.
 Cooper:
 Ann, petition of; 51.
 William, petition of; 92.
 Coote:
 Lord, Baron of Collooney, petitions of; 90, 95.
 Charles; 468, 501.
 Richard; 507, 513.
 — complaint against; 64.
 Thomas; 94.
 Col. Thomas, his company; 71.
 — suit against; 97.
 — petition of; 100.
 Copley, Nicholas, petition of; 50.
 Cor:
 John; 299, 300.
 John Fitz William; 297, 298.
 Corbaly; 218.
 Corcran, David, trooper; 77.
 Cordoners of Waterford; 320.
 Cork; 87, 139, 410.
 siege and capture of; 145, 146.
 Irish troops embarked at; 181.
 bay of, English fleet in; 146.
 mayor of; 266.
 farmers of, excise for; 46.
 Earl of, Richard Boyle; 273, 478, 481.
 Bishop of; 145, 376.
 and Cloyne, Bishop of; 376.
 and Burlington, Earl of (1668), petition of; 86.
 Corker, Mr.; 90.
 Corkerry barony, lands in; 93.
 Corluddy; 32.
 Cormuck, a soldier; 60.
 Corn:
 regrating; 317.
 export and price of; 478, 479.
 Cornin, Manus; 469.
 Cornwall, Major, killed; 154.
 Corr, John; 330, 332.
 Costard, Will.; 263.
 Costello, Viscount (1702), his brother; 192.
 Costigan, Anst.; 29 *note*.
 Coterell, John; 263.
 Cotners or Cotteners; 273, 394.
 Cotton, Eusebius, petition of; 6.
 Cottrell, Thomas; 319.
 Coughlan, Dermotius; 501.
 Coulcassyn; 240.
 Courtasier, regiment of; 128.
 Courtenay, Ensign Edward; 64, 71.
 Coventry and Litchfield, diocese of; 207.
 Cowell, Abraham; 503.
 Cowle, Walter; 274.
 Cowth. *See* Coote.
 Cox:
 Ph.; 56.
 Richard, petition of; 9.
 William, petition of his widow Mary; 88.
 Coy, Colonel, his regiment; 165.
 Coyn, Nicholas; 390.
 Coyne, Thomas; *ib.*
 Craddock, Nicholas; 457.
 Crafford, George, petition of; 86.
 Craige, John, petition of; 61, 63.
 Crawly, Thomas; 508.
 Creagh, Doctor, agent to St. Germain; 145.
 Credan; 278.
 "Crede Mihi," MS.; 204.
 Crelly. *See* Crilly.
 Cremona, defence of; 192.
 Cresty, lands of; 101.
 Creveo, Signore; 360.
 Crilly, a Cistercian; 344, 357.
 Croboy; 443.

- Crofton, Edward and William, troopers ; 89.
- Cromwell :
 Colonel, his troop ; 91.
 Henry ; 359.
 Oliver ; 270, 346, 357, 358, 377, 378.
 — tyranny of ; 378.
 — in Ireland ; 123.
 — his siege of Drogheda ; 137.
 — at Wexford and Clonmel ; 138.
 — his usurpation ; 194.
 Richard ; 344, 359.
 Col. Vere, his troop ; 42.
- Crookeshanke, John, vicar of Trim ; 95.
- Croom castle, fight at ; 141.
- Crosbie, Sir John ; 273.
- Crowley, Thomas ; 50.
- Crumlin, Crumelyn ; 218.
 church of ; 209, 210.
- Crumuel. *See* Cromwell.
- Cuff :
 Alexander ; 277.
 Francis ; 507.
 James ; 501, 502, 503.
 Sir James, his company ; 98.
 Capt. Thomas, petition of ; 102.
- Culcahyn ; 241.
- Culkyr ; *ib.*
- Cullen :
 Cornelius, prisoner ; 85.
 George, petition of ; 103.
- Cullenbegg, lands in ; 93.
- Cullfyn ; 279.
- Cullinmoore, co. Westmeath ; 92, 93.
- Cunningham, James ; 458.
- Curraghmore, Baron of ; 98.
- Curwin, Giles, petition of ; 34.
- Cusack, Col. Nicholas, commissioner ; 173.
- Customs :
 ancient, in the City of Waterford ; 272, 275.
 levied at Waterford ; 266, 267, 289.
 lease of ; 427.
- Cuthbert, Thomas, petition of ; 11.
- Cutts, Lord (1691), a hostage ; 166.

D.

- Daclan, lands of ; 211.
- Daglan ; 211.
- Daley, Daly :
 Charles ; 507, 509.
 Denis ; 509.
 John, petitions of ; 9, 36.
 Lawrence, petitions of ; 9, 36, 46.
- Dancer, John ; 53.
- Daniel :
 Darby ; 56.
 William ; 463.
- Darby, Nicholas, petition of ; 104.

- Darcy, Darsey :
 Andrew ; 469, 488, 491, 493.
 Anthony ; 462.
 Dominicke ; 494.
 James ; 468, 469, 478, 488, 491, 493, 494, 507, 508.
 — Oge ; 467, 488, 491.
 — Reagh ; 493.
 John ; 271.
 Martin ; 469, 509.
 Nicholas ; 467, 469.
 — petition of ; 101.
 Oliver ; 355, 509.
 Patrick ; 488, 491, 493, 494, 509.
- Dardistown ; 179.
- Darrick, Old, Queen's co. ; 28, 29.
- Davenport, Charles, petition of ; 95.
- Davetus, Hugh ; 353.
- Davis, Davys :
 Edward, petition of ; 16.
 John, of Wicklow ; 41.
 Sir Paul ; 5.
- Davison, George ; 502.
- Deacon, John, petition of ; 67.
- Deane :
 James ; 507.
 Lawrence ; 507, 509.
 Robert ; 491.
 Stephen ; 507, 508.
 Thomas ; 507.
- Dease :
 Thomas, Bishop ; 340, 343, 355.
 — letter of ; 350.
- Deey, Capt. Robert, petition of ; 12.
- Delafield, Michael ; 262.
- Delahoyd, Balthazar ; 350.
- Deliverance, Court of, Waterford ; 335.
- Delves, Richard, referee ; 6.
- Dempsey :
 Col. James, killed at the Boyne ; 135.
 Col. Lawrence, killed near Newry ; 131.
- Dene, William de ; 215.
- Dengylmor ; 234.
- Denmark :
 Anne, Princess of ; 512.
 Prince George of ; 130, 132.
 — his return to England ; 144.
- Denn, Foulk, his lands ; 32.
- Dennis, Major, his company ; 31.
- Dent, Edward ; 1.
- Deoran, Cosnagh ; 29 *note*.
- Deremacklaghney ; 468.
- Dering, Charles ; 517.
- Dermot, King ; 211.
- Dermot, Alexander ; 427, 428, 429, 441, 448.
- Dernhundred ; 273, 276, 277, 292-329 *passim*, 336, 337.
- Derroth ; 211.
- Derwathe or Durrow ; 223.
- Derynch ; 235.
- Desbrow, Major John ; 29 *note*.
- Desmeniere, Mr. ; 38.
- Desmond :
 Earl of (1666), petition of ; 6.
 — (1669) his troop ; 97.

- Desmonia, Jacobus Mauricii ; 340.
 Desmynieres, John, lord mayor of Dublin ; 29.
 Develier, Sir John, petition of ; 89.
 Devereux :
 Nicholas ; 298, 305, 313.
 Richard ; 327.
 Deverous, Hen. ; 263.
 Devonish, Major, killed ; 154.
 Dicker, Thomas, petition of ; 78.
 Dickson, John, petition of ; 97.
 Diers, Waterford ; 273.
 Digby, Thomas :
 order concerning ; 76.
 petition of ; 87.
 Dilgeny ; 213.
 Dilkes, a soldier, evidence given by ; 18.
 Dillon :
 Lord ; 356.
 — (1668), Thomas, petitions of ; 49, 69, 86.
 — (1691) ; 166.
 — governor of Galway ; 155, 156.
 Colonel ; 38.
 — his troop ; 56, 77, 89, 92, 100.
 Col. Arthur, his regiment ; 126.
 — at Cremona ; 192.
 Col. Cary ; 53.
 — his troop ; 51, 78, 83, 95.
 — debt of ; 61, 68.
 Col. Garret, commissioner ; 173.
 — goes abroad ; 179, 180.
 Gerald ; 507, 509.
 Lucas ; 356, 443.
 Richard ; 490.
 Dingle ; 360 *note*.
 Disert Saint Kevin ; 214.
 Disney, William, lands of ; 93.
 Dives, Mr. ; 61.
 Dixie, Edward ; 25 *note*.
 Dobson, Christopher, petition of ; 6.
 Dobyn, Dobben :
 Laurence ; 323.
 Patrick ; 274, 275.
 Peter ; 270, 273, 274.
 William ; 278.
 Dochlon ; 210.
 Dod, Paul ; 501, 502.
 Dodson :
 Mr. ; 55.
 Robert, petitions of ; 60, 74, 77.
 William, agreement, &c. by, orders concerning ; 4, 5, 7, 8.
 — action against ; 34.
 — petition of ; 53.
 Doggett, Richard, debt of ; 74.
 Doing, Mathew, petition of ; 91.
 Dominicans ; 492.
 — Priors of ; 205.
 Domvile, Sir William ; 51.
 Donaghmore ; 239, 240, 241.
 Donamore, lands in ; 19, 77.
 Donatus, Guilielmus ; 375.
 Donegal :
 militia in ; 63.
 lands in ; 19.
 O'Clerighs of ; 354.
 Donegal—*cont.*
 Earl of (1667), petition of ; 45.
 — his troop ; 59, 90.
 Donep, Sieur, killed at Limerick ; 160.
 Donkitt ; 303.
 Pill of ; 270.
 Donmore ; 240.
 Donnell :
 Darby ; 56.
 Richard ; 34.
 Donnellan :
 Jo. ; 478.
 Nehemiah ; 510, 513.
 Donogh, Thomas ; 56.
 Donovan, Captain ; 79.
 Donyingan ; 235.
 Doran, Mr., sent to France ; 154.
 Dorington, Major-Gen. :
 at Limerick ; 142.
 governor of Limerick ; 145.
 at the battle of Aughrim ; 148, 149.
 a prisoner ; 154.
 Dormor, Lieut. William, petition of ; 100.
 Dornell, John, gunsmith ; 86.
 Dorsey :
 James ; 428, 453, 459.
 — Oge ; 461, 467.
 Martin ; 460, 461.
 Nicholas ; 459.
 Douglas :
 Lord or General (1690), in Ireland ; 130, 133.
 Robert, trooper ; 55.
 Dovedall, Sir Robert ; 271.
 Dowdall :
 Lady Jane, petition of ; 94.
 Capt. Patrick, killed ; 144.
 Down and Connor, Bishop of ; 341, 342, 343, 376.
 letter of ; 353.
 Dowysky, Abbot of ; 226, 242.
 Doyle :
 Bartholomew, petition of ; 95.
 John, prisoner ; 85.
 William, petition of ; 6.
 Doyme, Robert ; 514, 517.
 Drackford, Thomas, petition of ; 73.
 Dracott, *alias* Lock, Eleanor ; 78.
 Draper, Capt. William, of the Armagh militia ; 31.
 Drillingstowne ; 32.
 Drinkings at Waterford ; 268.
 Drogheda ; 74, 131, 208, 344, 349, 361.
 merchant of ; 69.
 troops quartered in ; 100.
 surrender of ; 137.
 Earl of (1667-69) his troop ; 40, 43, 48, 53, 54, 78, 103.
 Dromdowny ; 236.
 Dromore, Bishop of ; 208, 355, 376.
 Dromyrtre ; 237.
 Drowning, tithes of ; 25 *note*.
 Drumacrowe, parish ; 96.
 Drumchette, near Sligo ; 164.
 Drumconragh, lands of ; 5.
 Drumenenaghan, parish ; 97.
 Drumgelgyn ; 239.
 Drummond, David ; 56.

Dublin; 216, 221, 226, 259, 260, 263, 270, 271, 273, 335, 340, 341, 350, 357, 360, 361, 375, 381, 410, 487, 512, 518.
 Dublin and Dublin Castle, documents dated at, &c.; 1-106.

Dublin:

Lord Mayor of; 58, 265.
 recorder of; 514, 516.
 Corporation of Shoemakers; 28, 29.
 Catholics in; 343.
 citizens or inhabitants of; 49, 206, 349, 350.
 soldiers' quarters in; 58, 59.
 excise duty in; 74.
 collection in churches; 90.
 Prince Edward's court at; 213.
 James II. in; 126.
 William III.'s entry into; 137.
 Castle, repairs of; 1.
 — Constable of; 38.
 — dials for; 54.
 — James II. in; 136.
 — lower yard of; 86.
 — porters of; 87.
 Cork Tower; 87.
 Castle Street; 50.
 Cathedrals, officials of; 205.
 Christ Church choir; 96, 104.
 — dean of; *ib.*
 Court of Claims at; 85, 92.
 Customs officers; 86.
 Dames Street; 44.
 city gaol; 12.
 High Cross; 349.
 High Street; 13.
 Marshalsea; 16, 58.
 Newgate; 51, 64, 85.
 Phoenix Park, building of wall; 4, 7, 9, 34.
 Phoenix Park; 52, 79, 80.
 Deer Park; 53.
 Phoenix Park, lands in; 101.
 prison of; 350.
 Royal Irish Academy; 111.
 All Saints Priory outside; 213.
 St. George's Lane; 91.
 St. James's Street and gate; 80, 85, 87, 88.
 St. Kevan parish; 84.
 St. Kevin; 211.
 St. Mary's Abbey; 208, 220, 314.
 St. Nicholas within-the-Walls; 77.
 St. Patrick's; 97, 161, 209 *et seq.*
 — choir; 96, 104.
 — dean of; *ib.*
 — Schomberg buried in; 135.
 — William III. at; 137.
 church of Holy Sepulchre; 211.
 St. Stephen's Street; 45.
 Holy Trinity; 97, 210 *et seq.*
 St. Thomas, Abbot of; 218, 226.
 county, Sheriff of; 84, 95.
 and Kilkenny, Ordinances and Statutes at; 256 *et seq.*
 See or Archbishopric of; 207, 208, 209, 345.
 Register of the Archbishops of; 205.

Dublin—*cont.*

archives of the see of; 204.
 Archbishop of (1666); 25.
 — (1669) Boyle; 96, 104.
 — John Alan; 205, 206.
 — Laurence O'Toole; 205, 206.
 — R. C. Trench; 206.
 — John Comin; 206, 209 *et seq.*
 — Henry de Loundres; 207, 211, 213, 215, 217, 265.
 — Fulco; 207, 213 *et seq.*
 — Luke; 210 *et seq.*
 — Alexander de Bicknor; 218, 220, 223, 225.
 — John de St. Paul; 223, 224, 225.
 — Richard; 217.
 — John; 218.
 — William Rokeby; 223.
 — Peter Talbot; 341, 343, 344, 361.
 — — letter of; 363.
 — Eugenius Mac Mahon or Matthews; 342, 345, 373, 374, 375.
 — Thomas Jones; 374.
 — Thomas Fleming; 375.
 regulations for ecclesiastics in the diocese of; 217.
 churches &c., in the diocese of; 218.
 Synods of; 221.
 Dudy, Thomas; 56.
 Duewell, Walter; 56.
 Duff Lynche, William; 385.
 Duissk; 214.
 Duleeke, barony of; 101.
 — bourg of; 134, 135.
 — Lord of, a prisoner; 154.
 Dunavet; 216.
 Dunbin, co. Louth; 72.
 Dunboyne, Lord, his dragoons; 161.
 Dunbrody, the abbot of; 314.
 Duncanon fort; 103, 136.
 — surrendered; 138.
 — governor of; 63.
 — deputy-governor of; 103.
 Dundalk:
 — assizes at; 71, 72, 106.
 — rendezvous at; 129, 130.
 — fight near; 131.
 — William III. at; 132.
 Dunely, Brian; 26.
 Dunfert; 239.
 Dungan:
 — Sir John, his tithes; 96.
 — Lord Walter, at the battle of the Boyne; 133.
 — killed; 135.
 Dungannon, Viscount:
 — (1666-68); 5, 6, 34, 53, 57.
 — certificate of; 13.
 — his troop; 12, 66, 74, 80, 89, 103.
 Dungarvan; 237.
 Dunkellyn; 494.
 Dunkirk; 32.
 Dunkyt; 237.
 Dunlickny; 180.
 Dunore:
 — church of; 134.
 — village of; 135.

Dunsandell; 468.
 Dunsany :
 Baron of; 82.
 — petition of; 30.
 Lord C. Plunkett; 111.
 Durham, William; 66.
 Durrow. *See* Derwathe.
 D'Usson :
 Lieut.-Gen., at Galway; 155.
 — at Limerick; 156, 158, 171.
 Dutton, Capt. William; 63.
 Dysert, church of; 223, 261.
 Dyvelyn. *See* Dublin.

E.

Eaton :
 Francis, corporal; 101.
 John, soldier; 27.
 William, petition of; 3.
 Ebzery, John, lands of; 93.
 Echline, Henry, plaintiff; 85, 88.
 Edgeworth :
 Major Robert, petition against; 11.
 — petition of; 76.
 Edmys, Robert; 261.
 Edward I.; 205, 226, 227, 265, 271.
 Edward II.; 226, 265, 271.
 Edward III.; 223, 226, 227, 265, 271, 291,
 292, 380.
 Edward IV.; 271, 272, 289, 300, 301, 302,
 305, 313, 314, 326, 331.
 Edward VI.; 274, 278, 490.
 Edward, Prince; 208, 213.
 Edwards, John, petition of; 68.
 Egan, Boetius; 346.
 Egleston, William, petition of; 54.
 Elizabeth, Queen; 220, 222, 227, 269,
 272-277 *passim*, 349, 380, 424, 426, 427,
 433, 445, 452, 514-516.
 compared with James II.; 116, 117.
 her treatment of Catholics; *ib.*
 Else, Richard, petition of; 57.
 Ely, Viscount Loftus of, Adam; 272.
 Emly, Bishop of; 346, 376.
 Enchusen, three kings of, ship; 273.
 England, English :
 merchandise in; 227.
 residents in; 259.
 array; 268, 308, 322.
 Parliament of; 270, 357.
 rebels; 313.
 affairs in; 344, 359.
 Catholics in; 344, 357.
 money of; 423, 443.
 Ennis :
 co. Clare; 163, 164, 166.
 camp at; 179.
 Epinger :
 Brigadier; 154.
 his capture of Wexford, &c. 138.
 Eremites; 492.

Erleveston; 234.
 Esmond, Lawrence, petition of; 38.
 Essex :
 Earl of, Arthur Capel; 361.
 the viceroy; 344.
 Estiene de longe espée; 205, 215.
 Esuek, Jordan le; 214.
 Eugene, Prince :
 his attack on Cremona; 192.
 in Italy; 198, 199.
 Eustace :
 Maurice, of Yeomanstown; 177.
 Sir Maurice, of Castlemartin; 179.
 Morris; 56.
 Eva, Countess; 211.
 Evans, John, musician; 51.
 Evelin, Lieut. Thomas; 61, 63, 95.
 Everard :
 John; 514, 516.
 Sir John, killed; 154.
 Evett, Major Edward, his troop; 2.
 Ewyas, M. de; 215.
 Exchequer, the; 258, 259, 443, 488, 507,
 509, 513.
 Excommunication; 230.
 Exeter, Canons of; 226.
 Eyres or Eyre :
 Edward; 502-505, 513, 518.
 George; 513.
 John; 502, 503, 508, 513, 518.
 Samuel; 513.

F.

Fagan :
 Henry; 272, 290, 318.
 John; 278.
 Fairfax, Lord, Thomas; 359.
 Fairs; 209, 210.
 Falkland :
 Viscount, Henry Cary; 348.
 — (1669), his troop; 98.
 Fallon, Ffallon :
 Andraue; 390.
 Cornell, 391.
 John; 399.
 Julian; 390.
 William, prisoner; 51.
 Farkeel; 215.
 Farley, Lieut. Richard, petition of; 73.
 Farlow :
 Captain, a prisoner; 131.
 — killed; 144.
 Farrell, Capt. Charles, petition of; 27.
 Farrer :
 Robert; 89, 95.
 petition of; 92.
 Farrinnimannagh; 96.
 Fassaghding, barony of; 32.
 Faunt, Fante, &c. :
 Adam; 393, 400, 401.
 Bartholomew; 398.

- Faunt, Fante, &c.—*cont.*
 Givane or Gevan, &c.; 412, 420, 422, 423, 426, 431, 432, 433, 439–448, 452–458 *passim*.
 Jhamis; 411.
 Martin; 388, 398–404 *passim*.
 Richard; 400.
 Steven; 411.
See Fount.
- Fennell:
 Gerald; 356.
 John; 501.
 Margaret, widow of Dr. John, petition of; 15.
 William, his daughters; *ib.*
- Feringes, Richard de; 205.
- Ferneley, Philip, petition of; 59.
- Ferns:
 Archdeacon of; 207.
 Bishop of; 217, 218, 376.
 diocese of; 206.
See Ossory.
- Ferrard, barony of; 44.
- Ferrier, Père; 363.
- Ferris, Hesketh; 25 *note*.
- Fertkeragh; 240.
 Prior of; 226, 242.
- Fethard or Fithard; 154, 267.
- Feuquier, John; 513, 517, 518.
- Ffaunte. *See* Faunte.
- Ffrenche. *See* French.
- Fielding:
 Capt. Charles, his company; 69.
 Col. Robert, his regiment; 126.
- Fimmarcon, regiment of; 128.
- Finagh parish; 96.
- Fingall:
 Earl of; 361.
 — report on his manuscripts; 107–204.
 — and James III.; 111.
- Finglass, William III. at; 137.
- Finglasse, —, his tithes; 96.
- Fish, sale of; 275.
- Fisher, William; 518, 519.
- Fishings, Galway; 422.
- Fitton:
 Alex., Chancellor of Ireland; 158, 171, 182.
 Anthony; 514, 516.
- Fitz Albyn, William; 219.
- Fitz Aldelm, William; 205, 211.
- Fitz Androwe, John; 396.
- Fitz Dominick, Stevn; 396, 397.
- Fitzgerald:
 Colonel, grenadiers under; 131.
 Brigid; 354.
 Edmund; 279.
 Gerald; 278.
 James; 277.
 John; 278.
 Mary, petition of; 54.
 Maurice; 205.
 — Justiciary of Ireland; 218.
 Morris, petition of; 56.
 Nicholas; 279.
 Redmund; 278.
 Lieut. Robert; 51, 61, 66.
- Fitzgerald—*cont.*
 Capt. Robert; 77.
 — petition of; 61.
 Lord Thomas; 205.
 Lieut. Col. William, petition of; 82.
 Sir William, charge against; 100.
 — order to; *ib.*
- Fitz-Gislebert, Earl Richard; 205, 210, 211, 265, 278.
- Fitzharding, Lord (1666); 16.
- Fitzherbert, Eleanor, petition of; 95.
- Fitz-James:
 James Sherlock; 279.
 John Wise; 276.
 Robert Walsh; *ib.*
- FitzJohn, James Sherlock; 275, 276, 279.
- FitzMartyn, James Walshe; 277.
- FitzMaurice, James; 340.
- Fitzpatrick:
 Colonel; 146.
 Ed.; 29 *note*.
 Jeff.; *ib.*
 John; *ib.*
 Col. John, petition of; 69.
 Teige, petition of; 77.
- FitzPeter, Robert Walsh; 275.
- FitzPhilip, Nicholas Quemerforde; 275, 276.
- FitzRalph, Richard; 225.
- FitzRery, Robert; 271.
- FitzRoberde, James Walshe; 274, 275.
- FitzRoger, Robert; 217.
- FitzSimon:
 Henry; 340.
 William; 213.
 Thomas; 25 *note*.
- FitzThomas, James Sherlock; 275.
- FitzWalter, Stevn; 396.
- FitzWilliam:
 Viscount, of Merrión (1691); 161, 162.
 James Madan; 279.
 Joseph; 216.
- Flanders; 267, 313, 321, 325.
 English troops in; 32.
- Flanagan, William, petition of; 66.
- Flaretis, Flaherties; 413.
- Fleetwood, Charles; 359.
- Flemyng; 264.
 Thomas; 375.
- Fletcher, John, plaintiff; 85, 88.
- Flewelin, Thomas; 50.
- Flint, Thomas; 4.
- Flithwith. *See* Fleetwood.
- Florence; 216.
- Flower, Trist, of Wicklow; 41.
- Flower:
 John; 504.
 Capt. Peter, petition of; 99.
 Sir William, Lieut. Col.; 4, 5, 6, 83.
- Flowers, Tristram, of Wicklow, assault on; 49.
- Flwyn, Thomas; 320.
- Fogge, Margan &; 29 *note*.
- Folkes, Martin, petition of; 78.
- Folkushul, William; 293.
- Folliard, Richard; 87.

Forbes :

Sir Arthur, petition of ; 60.

— his troop ; 69, 98.

Forest, regiment of ; 128.

Forestall, Perse ; 324.

Forster, Pierce ; 317.

Forstall, Piers ; 325.

Fortescue :

Sir Faithful, Constable of Carrickfergus ; 89.

Sir Thomas ; 73.

— petition of ; 89.

Cornet William ; 53.

Forth, Mathew ; 501.

Fortune of the Sea, the ship ; 59.

"Forty-nine" officers, the ; 515, 516.

Foster :

James ; 509.

John, petitions of ; 102, 105.

Jonas ; 56.

Thomas ; 478.

Fothered ; 211.

Foulke :

Sir Francis ; 55, 73, 86.

— soldiers under ; 6, 7.

— his company ; 36, 84.

— debt of ; 67.

Ensign Garret, petition of ; 55.

Capt. Richard, his company ; 58.

Founte, Font, Adam ; 466.

Geffrey ; 484, 491, 493.

Gywan ; 421, 426, 429, 453, 456, 457.

Thomas ; 462. *See* Faunt.

Fowre, tithes of ; 25 *note*.

Fox :

Major, killed ; 154.

Richard ; 49.

Foxon, Samuel ; 31.

Foxon, Sir Samuel, his house ; 142.

Foy :

Dennis, trooper ; 64.

— order concerning ; *ib*.

Foyle, Denis, petition of ; 86.

Foyran, tithes of ; 25 *note*.

France :

346, 362, 376, 377, 408, 479.

transportation of Irish army into ; 179, 181.

king of ; 344, 511.

Franches, John ; 330.

Franciscans ; 492.

Freeman :

John, petitions of ; 77, 84.

Thomas, debt of ; 73.

Friend, William, petition of ; 100.

French :

Anthony ; 414, 462, 501, 510.

Dr. Anthony, petition of ; 32.

Arthur ; 388, 408, 507, 509, 510.

Christopher ; 492, 493, 494.

Dominick ; 412, 419-428 *passim*, 484.

— Roe ; 491.

Edmonde ; 432, 447, 460, 461.

Edmund ; 393.

Edward ; 409, 469, 481.

Frances ; 460.

Francis ; 468.

French—*cont*.

Geffrey ; 470, 471.

George ; 419, 426, 455, 469, 484, 509.

Henry ; 34.

James ; 388, 412, 500.

Jasper ; 488, 491, 493, 509.

John ; 385, 399, 407-410, 435, 468, 469, 477, 491.

Marcus ; 401, 431, 459-462, 469.

Marcus Og ; 470.

Martin ; 415, 421, 429-433, 439,

440, 442, 446, 447, 475, 492, 494.

Nicholas ; 390, 391, 418, 421, 432,

433, 439, 440, 442, 462, 501, 507, 508.

Oliver ; 398, 421, 495, 500, 510.

Olyver Oge ; 422, 456-461, 491, 492.

Patrick ; 409, 457, 460, 484, 488, 509.

Peter ; 388, 389, 409, 415, 419-432

passim, 441, 447, 463, 468, 469.

Peter Oge ; 555, 456.

Robert ; 459, 460, 507, 508.

Roboke, Robuck, &c. ; 417, 432, 433, 439, 440, 446-457 *passim*.

Stephen ; 450, 451, 494.

Stevn ; 394.

Thomas ; 488.

Vallentyn ; 393, 420, 421, 453-458 *passim*.

Walter ; 448, 450.

Frenchmen, traffic with ; 408.

Frizell, Alexander ; 95.

Frizers ; 318.

Fydarde ; 309.

Fydown ; 236.

Fynch, Symon, order to ; 8.

Fynel ; 238.

Fynglas ; 219.

Fyton :

Anthony ; 427.

Sir Edward ; 427 *note*.

G.

Gadon, Nicho. ; 56.

Gaich, John, petition of ; 91.

Gall, Martin ; 279.

Galmoy ; 126, 240.

Viscount (1667), Edward, petition of ; 39.

— (1690) ; 131.

— at the battle of Aughrim ; 148, 153.

— commissioner ; 173.

— (1691) ; 166, 179, 180.

Galway ; 43, 45, 98, 101, 355-470 *passim*, 490.

lands in ; 1, 52.

bailiffs, mayors, &c. of ; 380 *et seq.*, *passim*.

Galway—*cont.*

bridge in; 39.
 French troops at; 142.
 description of; 155.
 siege of; 155, 156.
 archives of; 380 *et seq.*
 Queen's College; 380.
 walls of; *ib.*
 customs received at; *ib.*
 charters; 380, 311.
 privileges conferred on; 380.
 St. Nicholas College; 380, 384, 386
et seq., 404, 411, 461.
 — Bull for; 382, 384.
 — tithes of fish for; 397.
 inhabitants to shave and wear English
 attire; 380.
 — to speak English; *ib.*
 an ancient English colony; 381.
 Camden's description of; 380.
 Mayor and sheriffs of the Roman
 Catholic religion; 381.
 and Irish Confederation; *ib.*
 surrender to Parliamentary forces;
ib.
 Corporation and Roman Catholics;
ib.
 first mayor, &c. of; 381, 382, 384.
 History of; 382.
 letting land to any Irishman; *ib.*
 Mayor of, execution of his son; *ib.*
 Spanish visitor to; *ib.*
 Statute Book of; 381 *et seq.*
 corporation, volumes of proceedings
 of; 384.
 Suffrayn of; 385.
 aliens resorting to; 387.
 King's custom at; 389.
 grant of liberty and franchise of re-
 tailing goods; 388, 389, 390.
 admission of freemen; 389, 390, 391,
 446.
 an inn for strangers; 390.
 Tolsell or Court-house; 385, 434—
 516 *passim.*
 west bridge; 392.
 Spittill House; 396.
 grant of "sant" to William Marten;
 403.
 Warden and Vicars of the College;
 411, 489, 511.
 the gates and fishers; 417.
 levy of fine for manslaughter; 403.
 compact with the Mac Donnell's of
 Aran; 424 *et seq.*
 ancient custom of connoué; 424.
 Statute Book of; 425.
 lease of customs at; 427.
 young men of; 444.
 — captain of; 493, 494.
 Guildhall of; 448, 449, 454.
 levy of money for the town debts;
 448—450.
 setting lands; 453.
 building houses near the walls; *ib.*
 Corporation debt; 453, 511.
 arms of country people; 454.
 first recorder; 456.

Galway—*cont.*

admission of the Earl of Thomond
 and others to freedom; 464.
 Mayor's subsidies and safe conducts
 to cease; 468.
 arches, &c., at the gates; 469.
 encroachments on the common
 grounds; *ib.*
 office of Chamberlain; 482.
 parson's tithes of St. Nicholas parish;
 485.
 admission of Sir Francis Willoughby;
 485.
 Sheriffs and their expenses; 487, 488.
 St. Nicholas's Church; 489, 492, 511,
 513.
 St. Francis's Abbey; 494.
 fort surrendered; 492.
 St. Augustin's Abbey; 492.
 rampart; *ib.*
 order of precedence in the town; 493.
 bulwarks about the Lion tower; 494.
 burial of aldermen, &c.; 496.
 Disputatio Apologetica; 496, 497.
 freedom granted to Marquis of Wor-
 cester; 498.
 fortifications of; 498, 500.
 plague in; 500.
 tax for charges of physicians; *ib.*
 petition of English inhabitants; 501.
 letter relative to pirates; 503.
 payments by the aldermen; 504.
 additions to town council; *ib.*
 new charters; 505, 509.
 regulations for new council; 505,
 506.
 quay and new pier; 509.
 surrender of town to General Gin-
 kel; 510.
 Lord Justices at; 511.
 King's sword; *ib.*
 great plenty of herrings; 512.
 cod fish; *ib.*
 warden of College; 512, 515, 516.
 bailiff's fish; 513, 515.
 customs, cocketts and other revenues;
 513 *et seq.*
 grant of town to the "49" officers
 515, 516.
 scarcity of money; 517.
 Exchange or new Court House; 517.
 — the Mayor and; 518.
 election of members of Parliament; *ib.*
 Galway Statutes, &c.:
 unfreemen's goods; 384.
 sale of land to Irishmen; 385.
 dwellers to have weapons; 386.
 taking any man in pledge; *ib.*
 procuring the taking of any inhabi-
 tant; 391.
 crye or skrimishe at the town gates;
ib.
 whores or harlots; 391, 404, 434.
 sale of bread, single ale or honied
 ale; 392.
 butchers and sale of meat; 393.
 drinking merchant's wine; *ib.*
 merchant's salt; *ib.*

Galway Statutes, &c.—*cont.*

boatmen; 393.
 fouling the streets; *ib.*
 cleaning before the doors; *ib.*
 dung heaps; *ib.*
 kine in the town; *ib.*
 swine and goats; *ib.*
 boatmen conveying wood or turf; 394.
 wood, turf, and wattles; *ib.*
 coopers and their hoops; *ib.*
 frieze, price of; *ib.*
 broad cloth and mantles; *ib.*
 shearmen and cotteners; *ib.*
 price of butter; *ib.*
 price of corn and grain; *ib.*
 warning for assessment; *ib.*
 strangers and their goods; *ib.*
 burning or scorching corn; 395.
 idle men and women; *ib.*
 fishers and price of eels; *ib.*
 honey; *ib.*
 election of constables; *ib.*
 gauging pipes, butts and barrels; *ib.*
 going surety for gentlemen of the country; *ib.*
 buying cattle; *ib.*
 buying of fish and flesh; *ib.*
 buying merchandize on board ship; 396.
 conveying an Irishman to a ship; *ib.*
 committal of any freeman; *ib.*
 buying hides outside the town; *ib.*
 lepers and infected persons; *ib.*
 lending boats, &c. to an Irishman; *ib.*
 selling guns, &c. to the Irish, &c.; 397.
 ships fishing within the haven; *ib.*
 attending the Mayor on his election; *ib.*
 town pledge and an Irishman; *ib.*
 receiving the Burkes, &c.; 398.
 leaving the town without licence; *ib.*
 no Irish judge or lawyer to plead; *ib.*
 keeping hides, &c.; *ib.*
 no priest or monk to have a whore; 398, 404.
 running waters and streams to be kept clean; 399.
 thatched houses; *ib.*
 pestilence and common disease; *ib.*
 disobeying the Mayor or his officers; *ib.*
 sale of armour; 400.
 coumpilments or partnerships; *ib.*
 no man to be made free unless he speaks English and shaves; *ib.*
 interrupting any man's occupation; *ib.*
 buying goods of strange merchants; *ib.*
 freighting any Irish galley; 401.
 slandering the Mayor or bailiffs; *ib.*
 hire of carpenters and masons; *ib.*
 makers of aquavite, honied ale or single ale; 402.
 playing at quoits; *ib.*

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Galway Statutes, &c.—*cont.*

shooting with long bows, &c.; 402.
 hurling, hockey, and foot-ball; *ib.*
 the common lands; *ib.*
 buying of tithes; 403.
 butchers and the sale of hides and beef; *ib.*
 playing cards, &c.; *ib.*
 stairs in the streets; 404.
 sale of frieze, &c. to aliens; *ib.*
 buying fish in the boats; *ib.*
 robbing or wounding an inhabitant; *ib.*
 tilling the common ground; *ib.*
 priests and the mortuary; 405.
 division of fines and penalties; *ib.*
 leaving the town after the gates were shut; *ib.*
 drawing sword or weapon; 406.
 purchase of freedom; *ib.*
 goods brought from strange lands; *ib.*
 arrest for debt; *ib.*
 banquet by any woman on birth of a child; 407.
 parleys with Irishmen; 409.
 freedom of, and men of Athenry; 407.
 debts and safe-conducts; *ib.*
 sending meat to one keeping sanctuary for debt; *ib.*
 exporting flesh, tallow, &c.; *ib.*
 purchase of butter, &c. forbidden to young men; *ib.*
 taxes and tallages for common works; 408.
 forstalling or engrossing; 408, 438.
 contracts made in Spain, &c.; 408.
 widows' portions; *ib.*
 sale of corn, &c. to strangers; *ib.*
 payment of common rents; 409.
 engrossing cattle; *ib.*
 no respite or privileges for debtors; *ib.*
 buying from or selling to merchants of Limerick, Cork, &c.; 410.
 strangers bringing mersery wares and packes; *ib.*
 sale of goods by artificers to strangers forbidden; *ib.*
 unfreemen not to act as brokers; *ib.*
 soliciting Christmas and Easter offerings; *ib.*
 lands and tithes of the College not to be leased, &c.; 411.
 sale of flesh; 412.
 adversaries spoiling and robbing the Commons by sea or land; *ib.*
 fish from the fishers in the lough; 413.
 fish for Mayor and bailiffs; *ib.*
 stolen goods brought into; *ib.*
 buying from a child or prentice; 414.
 none of the Corporation to be sureties for the country-men; *ib.*
 repairs of the walls, &c.; *ib.*
 pledging silver plate; 415.
 buffeting the Mayor, &c.; *ib.*

M M

Galway Statutes, &c.—*cont.*

wrongfully troubling a neighbour; 416.
 detaining the custom or common rents; *ib.*
 shutting the gates, and the fishers; 417.
 taking cattle; *ib.*
 farming the King's revenues; 421.
 the offices of the Queen's revenues; *ib.*
 detaining letters for the Mayor; 422.
 citizens' proportion of general or common bargains; 423.
 sale of fish and flesh; 424.
 disputes about lands, woods, &c.; *ib.*
 frauds by agents in Spain, &c.; 427.
 marking casks of wine; 428.
 broaching or marrying wine or aquavite; 429.
 concealing or stealing merchandise; 430.
 export of timber; *ib.*
 excessive interest on loans; *ib.*
 regulations relative to importing wine and merchandise; 432.
 transporting goods; 433.
 lodging or maintaining whores; 434.
 purchasing cattle; *ib.*
 drawing weapons; 435.
 merchant adventurers to be duly paid; 435.
 detaining or refusing to pay the Corporation rents; 436.
 oaths of freemen, serjeants, constables, and porters; 436.
 town keys to be delivered to new mayor; 437.
 buying and selling restricted to freemen; *ib.*
 forms of admission as freemen; 438.
 taking apprentices; *ib.*
 concealing goods; *ib.*
 marriage of infants; *ib.*
 pledging goods; *ib.*
 paying and assessing of taxes; 440.
 averages of wines for the mayor, &c.; 442.
 merchants and their bonds; *ib.*
 tenants of the lands, tenements, &c. of the town not to alienate; 444.
 young men or others purchasing goods in foreign countries; *ib.*
 levy of money for the debts of the town; 448 *et seq.*
 evasion of debts through the mayor's safe-conducts; 458.
 lands and revenues of St. Nicholas College; 461.
 seal and old leases of St. Nicholas College; *ib.*
 levying the subsidy; 463, 464.
 safe-conducts; 464.
 grants of money to the poor to cease; 466.
 receipt and disbursement of the town revenues; 466, 467, 471.
 regulations touching the mayors; 466, 467.

Galway Statutes, &c.—*cont.*

obstructing the landing of wines; 467.
 purchase of grain; 470.
 aquavite, &c., and the price of malt; *ib.*
 salt beef for export; 471.
 disposal of town estate and revenues; *ib.*
 abusing the mayor and officers; 472.
 limitation of numbers at the General Assembly; *ib.*
 soliciting votes for any office; *ib.*
 standard measures; *ib.*
 corn-sellers to be undisturbed; 473.
 burials to be without outcry or howling; *ib.*
 alms to poor widows of the town 474.
 foreign beggars and pretended scholars; *ib.*
 poor men allowed to beg; *ib.*
 idle and masterless persons; *ib.*
 licences for sellers of beer, &c.; *ib.*
 inclosures of the common land; 475.
 reduction of town subsidies; *ib.*
 stipends of the mayor and recorder; 476, 477.
 scarcity, price, and restraint of corn; 478, 479.
 the mayor's journey to Dublin; 479.
 public works; 480.
 proposed register of accounts and deeds approved of; 484.
 mayor, &c. to wear their gowns; 485.
 canvassing for votes at election of sheriffs, &c.; 500.
 Galway province, council of; 466.
 Galway county, excise duties in; 27.
 Galway, Governor of; 481, 485.
 Earl of; 511.
 — Ruvigny; 182.
 — death of his brother; 135.
 Gamble, Henry, mason, work done by; 4, 5.
 Ganey, Daniel; 56.
 Gardiner, John, petition of; 28.
 Garfelon; 211, 215.
 Garret, John; 29 *note.*
 Garrynerry, lands in; 93.
 Gay, William; 55.
 Gealle, Abraham, of Wicklow; 41.
 Geary, John; 503.
 Gelder, Stephen; 95, 96.
 Genoa; 200, 342.
 Geoghe, Edward; 276.
 Geoghegan:
 Adjutant, killed at Cavan; 129.
 Anthony; 341, 344, 376.
 — letters of; 359.
 George, John, soldier; 97.
 Gerald, Redmond; 279.
 Geraldinis, Jacobus de; 340.
 Gerard, John; 214.
 Germany; 346, 358, 376.
 Gerney, Philip de; 215.
 Gernon, William, petition of; 9.
 Gerrarde, William; 220, 228.

- Gerry:
 Charles; 519.
 George; 518.
 John; 507, 508, 511, 513.
- Gibbons, Capt. James, a prisoner; 135.
- Gibbs:
 George, trooper; 101.
 John; 510, 512, 519.
- Gifford, Sir Thomas, his company; 99.
- Giles, John; 29 *note*.
- Gill, John, petition of; 31.
- Gillasby, Thomas; 38.
- Ginkel, Baron de, or General:
 in Ireland; 130, 381, 510.
 at the siege of Limerick; 142.
 made commander-in-chief; 145.
 at the battle of Aughrim; 147 *et seq.*
 his march to Galway; 155.
 besieges Limerick; 157 *et seq.*
 his conditions to Limerick; 172.
- Gippes, Thomas, petition of; 51.
- Girona, blockade of; 200.
- Glamorgan, Earl of:
 Edward; 270, 279, 341, 343, 498.
 — letter of; 354.
- Glass windows, breaking; 318.
- Glassopp, Thomas, defendant; 77.
- Glenawly, Lord (1668), his troop; 73, 84, 89.
- Glendalach or Glendaloch; 210.
 abbacy of; 209.
 diocese of; 206.
 see of; 207.
 Prior, &c. of; 218.
 Bishop of, Malchus; 206, 211.
 — William; 213, 218.
 Episcopate of; 209, 210.
 Bishops and Abbot of; 205.
 St. Peter of; 209.
- Glinmethan; 213.
- Glinogra rectory; 97.
- Glovers; 272.
- Goatly, John, petition of; 26.
- Goeghe, Goghe:
 Nycolas; 293-296, 298.
 Thomas; 278.
- Golafre, Walter son of Aldred; 211.
- Golden Bridge; 139.
- Goodwin:
 Edward, of Wicklow; 41.
 Gyles, petition of; 50.
 John, petition of; 4.
 Peter, certificate of; 35.
 Major Richard, petition of; 91.
 Robert, lands of; 93.
- Gordon, Col. John; 45.
- Gore:
 Sir Arthur, his company; 78.
 — order concerning; 83.
- Gorges:
 Col. John, governor of Londonderry; 61.
 Dr. Robert, petition of; 13, 14.
- Gorham, Henry de; 215.
- Gorhambury; 275.
- Gortnemannagh; 96.
- Gosworth, Baron of, Chancellor of Ireland; 158.
- Gough, Patrick; 514, 516.
- Gowen *alias* Smith, John; 26.
- Gowran, barony of; 32.
- Grace:
 Col. John, governor of Athlone; 138.
 John; 228.
 Col. Richard; 54.
- Gracedieu, John Sherlocke de; 278.
- Grafton, Duke of (1691), his death; 146.
- Graige, the, Queen's county; 33.
- Graigenemanagh; 214.
- Granard, Earl of (1691); 164.
- Grandison, Lord (1668-69), his troop; 53, 95, 97, 99.
- Grane, Grany:
 Prioress and Convent of; 206, 216.
 Amicia, Prioress of; 215.
- Grangetown, tithes of; 25 *note*.
- Grant:
 James; 274.
 Mathew; 277, 278.
 Thomas; 273, 274.
- Gras, Oliver le; 214.
- Graves, Charles, petition of; 99.
- Gray:
 Lieut. Henry, petition of; 87.
 Isaac, petition of; 66.
 Thomas and Anne, petition of; 50.
- Green, John, petition of; 63.
- Greenewell, Robert, petition of; 65.
- Gregorius; 221.
- Grely, Westood, of Wicklow; 41.
- Gren, John de la; 219.
- Grenaghe; 303.
- Grenaway, Henry; 501, 502.
- Grey Friars; 270, 400.
- Grey:
 Leonard; 270.
 Richard, petition of; 77.
- Griffin, John; 465.
- Griffith:
 Edward; 73.
 — petitions of; 64, 67.
 John, Town Major of Dublin; 68.
 Capt. Lewis; 90.
- Grimes, Edward, complaint against; 76.
- Grindy, Henry, petition of; 95.
- Groome:
 John, of Galway; 27, 43.
 — petition of; 30.
- Groweyn; 239.
- Guildford; 209.
- Guilds; 268, 272, 273.
 of Waterford; 319, 320, 337 *et seq.*
- Gulafre, Alfred; 210, 211.
- Guyere, John; 329.

H.

- Haberdashers ; 272.
 Hacker, Richard ; 78.
 Hackett, Hackyt :
 David ; 223, 264, 265.
 Edmond, petition of ; 101.
 Hackettstown ; 135, 179.
 Hales, Colonel ; 146.
 Hall, — ; 43, 44.
 Halloran :
 Cornell ; 444, 445.
 John ; 444.
 William ; 447, 448 *bis*.
 Hallorans ; 413.
 Hallsey, James ; 34.
 Hallsy, Captain ; 38.
 Halsey, James, plaintiff ; 85, 88.
 Hamilton :
 Lieut.-General, a prisoner ; 135.
 Major-Gen., a prisoner ; 154.
 Sir Charles, his troop ; 55, 89.
 Elizabeth ; 505, 515, 516.
 Sir Francis, his troop ; 11, 61, 76, 99, 102, 105.
 Sir Hans ; 53.
 Capt. James ; 52.
 Major-Gen. John, at Aughrim ; 148.
 William, petitions of ; 47, 64.
 Capt. William ; 45.
 Hammerton, Richard, of Clonmel ; 56, 58.
 Hammond :
 Colonel ; 38.
 his company ; 87.
 Capt. Maynwaring, petition against him and his soldiers ; 40-42.
 — arrears due to his company ; 42.
 — his answer to charges ; 49.
 — petition of ; 57.
 Hampton, Turstan de ; 211.
 Hamson, Thomas, petition of ; 89.
 Hanaway, William, plaintiff ; 85, 88.
 Hand, the, burning in ; 65, 67, 68, 81, 82.
 Handcock, William ; 510, 514, 516.
 Hannagh, Hugh ; 25 *note*.
 Hannay, Sir Robert, his company ; 97.
 Harah, Charles, petition of ; 37.
 Harcourt, Walter, petition of ; 61.
 Hardiman, James ; 382.
 Hardinge, Harding, John ; 489-490 *passim*.
 Harman :
 Mr. ; 61.
 Edward ; 81.
 Margaret, relict of Edward ; 101.
 Sir Thomas ; 38.
 — Captain of horse ; 9, 10.
 William ; 61.
 Harperstown, co. Wexford ; 161.
 Harraway :
 Ensign ; 51.
 Henry, petition of ; 56.
 Harrington :
 Capt. John ; 54, 55.
 Marcus ; 504.
 Mark ; 508.
 Harrison :
 John, order to ; 8.
 — sergeant ; 63.
 Michael, petition of ; 83.
 Nichola, her evidence ; 18.
 Harryes, Philip, petitions of ; 31, 73.
 Hart, Thomas ; 15.
 Hartley, William, trooper, charge against ; 99.
 Harvest, Thomas ; 501.
 Harvies, Thomas ; 502.
 Harwood :
 Lieut. Edward ; 98.
 James, trooper ; 100.
 Hasloe, Sarah ; 43.
 Haslow, Sarah ; 54.
 Hastings :
 Colonel ; 146.
 — his foot ; 139.
 Hatfield, Alderman, of Dublin ; 30.
 Hatmakers ; 272.
 Havard :
 Rice, trial of ; 94.
 — reprieve of ; *ib*.
 Hawes, William ; 94.
 Hawkins :
 Capt. Charles ; 89.
 William, petition of ; 60.
 Hayward :
 Henry ; 503.
 William, of Wicklow ; 41.
 Head, John, sergeant ; 55.
 Healy :
 Edward ; 75, 76.
 Margaret, petition of ; 86.
 William, trooper ; 96.
 Heath, Gilbert ; 91.
 Hebrides ; 364.
 Hedian. *See* O'Hedian.
 Heirlooms ; 325.
 "Heliotropium seu Conciones," book named ; 352.
 Heminge, William ; 502.
 Hemmings, William ; 504.
 Hemsworth, Henry and Mary, their daughter ravished ; 68, 81.
 Henderson, James, tailor ; 104.
 Henley, James, of Cork ; 87.
 Henry II. ; 205, 207, 209, 210, 221, 223, 265, 269.
 Henry III. ; 205-226 *passim*, 271, 272.
 Henry IV. ; 329.
 Henry VI. ; 272, 293-298, 330, 331.
 Henry VII. ; 269, 272, 318, 392.
 Henry VIII. ; 267, 270, 271, 273, 278, 291, 325, 329, 380, 389, 390, 403.
 revolt against ; 205.
 Henshaw, Thomas, of Wicklow ; 41.
 Herbert :
 Admiral ; 146.
 Col., killed ; 154.
 Hereford, Stephen de, and Matilda his wife ; 213.
 Heresy, prosecuted for ; 220.
 Herforth, William ; 264.
 Herrings, great plenty of ; 512.
 Hesse Darmstadt, Prince of, in Ireland ; 130.

- Hewetson, Andrew, petitions of; 64, 90.
 Heydon, Thomas, his executor; 61.
 Heyne, Bryan, petition of; 80.
 Hibbins, James, sergeant; 73.
 Hickey, Walter; 503, 504.
 Hickey, Donnogh; 56.
 Hides, price of; 827.
 Higgins, John; 73.
 Highlake, co. Lancaster; 130.
 Hignett, Daniel, plaintiff; 85, 88.
 Hull:
 Colonel; 10.
 Arthur, deceased; 42.
 Lieut.-Col. Moses; 9, 30, 83.
 — his troop; 48.
 — petition of; 99.
 Sir Moses, his father; 42.
 — his troop; 94.
 Samuel, petitions of; 99, 102.
 Thomas; 4.
 William; 505, 508.
 Hilton, Edward, trooper; 100.
 Hinchelsea, William, of Wicklow; 41.
 Hind:
 Jarvis; 501, 511, 513, 519.
 William; 518.
 Hinshaw, Thomas, soldier; 42.
 Hinson, Nathaniel, petition of; 68.
 Hochsted; 518.
 Hogan, Edmund; 340.
 Hogan or Hogane, Edward; 56.
 Holbert, John, of Wicklow; 41.
 Holinshed, Ralph; 222, 268.
 Holstaple, Major-Gen., killed; 154.
 Homes:
 Lucina, wife of William, petition of;
 43.
 — report, &c. on; 43, 44.
 Thomas, his house in Dublin; 45,
 46.
 Honorius III., Pope; 205, 207.
 Hopton, James, his petition; 3.
 Hore:
 Michael; 277.
 Philip, of Kilsallaghan; 30.
 Capt. Walter, killed; 161.
 Horne, Charles; 83.
 Hosiers; 272.
 Hoskins, William; 505, 506.
 Hospitallers in Ireland; 206, 208.
 Houghton:
 Ensign; 61.
 George, petition of; 82.
 — plaintiff; 85, 88.
 Heward:
 Colonel, his troop; 2.
 Capt. Henry, petition of; 105.
 Lord Thomas, sent to France; 154.
 — killed; 155.
 Howth, Baron of, petition of; 88.
 Hoyle, Capt. Edward; 54.
 Hutchinson, Daniel, petition of; 50.
 Hugo, Adam son of; 214.
 Huish, John, petition of; 86.
 Huishe, Richard, merchant; 63.
 Hull; 127.
 Hulton, Lieut. Francis; 67.
 Hultonia. *See* Ulster.
 Humphrey, John; 29 *note*.
 Hungerford:
 Captain; 77.
 — his quarters in Dublin; 58.
 — order concerning; 59.
 — his company; 95.
 Hunte, Pierce; 298, 299, 300, 308.
 Hunth, Alsona; 265.
 Hurd, Humphry; 501.
 Hutchinson, Alderman, of Dublin; 30.
 Hutton:
 Lieut. Francis; 64.
 — petition of; 73.
 Hylun, Hugo de; 215.
- I.
- “Ibernia Ignatiana;” 340–345.
 “Ibernia, Compendium Historiæ Catho-
 — licæ;” 340.
 Ilger, William; 271.
 Illanalltenagh, bridge of; 498.
 Inchiquin:
 Lord; 342.
 O’Brien, Baron of; 346, 375.
 Incholhan; 238.
 Indies, West; 34, 42, 94.
 Inglis, John, petitions of; 34, 61.
 Ingoldesby, Major George; 87.
 Inistioc; 272.
 Innocent III.; 205, 207.
 Innocent VIII.; 384.
 Innocent X.; 342, 346, 357.
 Insnak; 235.
 Instyoke; 236.
 Prior of; 225, 235, 242.
 Invernitus, Carolus Franciscus; 270,
 279.
 Inylhaght; 236.
 Ireland, Irish:
 assessment of land in; 3.
 Catholics’ land in; *ib*.
 adventurers’ lands in; 9.
 excise commissioners in; 27, 30.
 farmers of excise; 49.
 marshal of army in; 36, 37.
 Tories in; 39.
 commissioners for prizes in; 59.
 adventurers for lands in; 60.
 Court of Claims in; *ib*.
 ironworks in; 65.
 Lord High Treasurer of; 86.
 churches of, collection in; 90.
 James II. in, manuscript illustrating
 history of; 107 *et seq*.
 Protestants of, and James II.; 114.
 Vice-roy of, Tyrconnel; 123.
 Cromwell in; *ib*.
 Catholics in, their weak state; 123,
 124.
 propositions for improvement of;
 125.

Ireland, Irish—*cont.*

- Prince of Orange's army in ; 126.
 James II.'s campaign in ; 127 *et seq.*
 landing of William III. in ; 120.
 departure of French troops from ; 142.
 the treaty of Limerick (1691) ; 172-179.
 permission to carry arms in ; 178.
 William III. and the Catholic forces in ; 180.
 feeling in, after James II.'s death ; 191.
 Lords Justices of ; 158, 171, 173, 182.
 manuscripts on ; 200, 203, 204.
 Catholics ; 343, 344, 356, 357.
 — army of ; 344, 358.
 — oppression of ; 346, 373 *et seq.*
 — in exile ; 342.
 — address to the Pope from ; 346, 376.
 Colleges ; 342, 363, 364. *See* Rome and Salamanca.
 Confederation in ; 269, 381, 492, 494.
 — council of ; 344.
 — letter from ; 356.
 blood, men of ; 299.
 rule, men of ; 303, 307.
 marchour, 308.
 money ; 516, 517.
 tongue, in Court ; 323.
 men of ; 257, 258 *passim*, 259, 403.
 lending boats, &c. to ; 396.
 safeguard of ; 402.
 selling guns, &c. to ; 397.
 ordinances against associating with the, &c. ; 260.
 letting land to ; 382, 385.
 rebels ; 261.
 novices ; 344.
 galley, freighting any ; 401.
 judge or lawyer to plead, no ; 398.
 church of ; 206, 224.
 hospitaliers in ; 206.
 lands in ; 214, 224, 259.
 common profit of the land of ; 221.
 tenths in ; 216.
 Englishmen in ; 261.
 English Government in ; 220.
 absentees from ; 221, 227, 261.
 ordinances relating to ; 221.
 Bruce in ; 221.
 English race in ; 227.
 letter to the Archbishops, &c. in ; 218.
 Chancellors of ; 220, 228, 263.
 Justiciary of, Henry de Loundres ; 265.
 — John Darcy ; 271.
 Facsimiles of National Manuscripts of ; 205, 266, 269, 275, 340, 351, 361, 363, 364, 382, 427, 482.
 Papal delegate to ; 270, 342.
 Justices of Pleas in ; 271.
 St. John of Jerusalem in ; 271.
 to raise a regiment for Charles I. in ; 279.

Ireland, Irish—*cont.*

- Jesuits in ; 340, 343, 354. *See* Jesuits, &c.
 — regulations of College at Salamanca ; 368 *et seq.*
 Papal Nuncio for ; 342.
 Primates of ; 204, 214, 345, 363, 373, 374.
 — Peter Lombard ; 342, 346.
 — Oliver Plunket ; 343, 361.
 — Maguire ; 166.
 agents at Rome and Madrid for ; 343.
 students from ; 343.
 expulsion of Catholic Bishops from ; 344, 363.
 ancient monarchs of ; 345.
 transfer to English kings ; 345.
 styled Insula Sanctorum ; 345, 367.
 prayers for ; 345.
 Bull to Catholics in ; 345, 371.
 Lord Deputy of, Sir Arthur Chichester ; 345, 374.
 — Leonard Grey ; 270.
 — Oliver St. John ; 347.
 — Viscount Falkland ; 348.
 Court of Wards in ; 348.
 Statutes of Parliaments in ; 349.
 persecution in ; 350.
 Henry Cromwell, Lord Lieutenant of ; 359.
 Viceroy of, John Lord Berkley ; 361.
 — Earl of Essex ; 361.
 Bull carried about by Judges, &c. in ; 373.
 Chancellor of, Thomas Jones ; 374.
 Archbishops and Bishops of ; 375.
 dispersion of the Bishops of ; 376.
 Justiciaries of ; 208, 215, 218, 260.
 Catholic Prelates ; 346, 375, 376.
 — declaration by ; 375.
 — lists of ; 376.
 — letter from ; 355.
 Treasurer of ; 263.
 Statutes relative to ; 256, 257.
 Ireland, Samuel ; 76.
 Ireton, General ; 270.
 — at Limerick ; 167, 170.
 Irishtown, co. Kildare ; 77.
 Kilkenny, extent of ; 262-264.
 tenants, &c. in ; 264.
 Ironworks in Wexford ; 65.
 Irvine, Gerrard, petition of ; 78.
 Iveagh, Lord :
 — governor of Drogheda ; 137.
 — (1691) a hostage ; 166.
 — (1692) Irish Catholics under ; 180.
 Iverk barony ; 32.
 Ivica ; 200.
 Iwells, Edward, petition of ; 54.

J.

Jackson :
 Richard, his mare ; 105.
 Roger, petition of ; 95.
 William ; 502.
 Jacob, John ; 468.
 Jacques, George, trooper ; 56.
 Jamaica ; 85.
 James I. ; 277, 342, 345, 364, 381, 462, 465.
 his descent from the Irish ; 365.
 James II. ; 344, 381, 507, 508, 509.
 letter of ; 363.
 account of manuscript illustrating history of ; 107 *et seq.*
 observations on his government ; 113-120.
 his treatment of Protestants in Ireland ; 114.
 and the seven Bishops ; 115.
 compared with Queen Elizabeth ; 116, 117.
 and the Jesuits ; 118.
 his proceedings at Oxford ; *ib.*
 his assumed abdication ; 120.
 remarks on his daughter's conduct ; 122.
 his letter to Tyrconnel ; 123.
 his campaign in Ireland ; 126 *et seq.*
 state of his army in Ireland ; 131.
 in Dublin castle ; 136.
 his return to France ; *ib.*
 Tyrconnell's view of his prospects ; 140.
 at St. Germain's ; 154, 155, 157.
 his favours to Tyrconnell ; 159.
 his attempts to return to England ; 186, 187.
 his last days and death ; 182-190.
 his feelings towards William III. ; 187.
 his son and daughter ; 190.
 compared with William III. ; 194 *et seq.*
 elegies on his death ; 200, 203.
 Janes, Mr., of Blackcastle ; 19.
 Jans, Richard, petition of ; 26.
 Jaques, Corporal George ; 78.
 Jarvis, John, petition of ; 11.
 Jeffreys :
 Col. ; 95.
 John ; 61, 62.
 — defendant ; 85, 88.
 — order to ; *ib.*
 Jenkyns, Moyses, lands of ; 93.
 Jennings, Sir John, Vice-Admiral ; 200.
 Jephson, Col. John, petitions of ; 2, 67.
 his company ; 31, 73.
 Jersey ; 500.
 Jeryponte ; 234.
 Abbot of ; 226, 242.

Jesuits in Ireland ; 340, 341, 343, 344, 492.
 James II., and ; 118.
 Archives of ; 340 *et seq.*
 Colleges of ; 342.
 Irish College at Salamanca ; 345, 368.
 — regulations of ; 368 *et seq.*
 General of ; 340-364 *passim*.
 conduct of ; 343.
 arrangements for ; 343.
 visitor of ; 343.
 in Armagh ; 344.
 superior of the mission ; 344.
 as missionaries ; 344, 363.
 letters relative to ; 350, 351, 352, 355, 356, 360, 363.
 Jews, the ; 230.
 Joes, Walter ; 498.
 John, King ; 210, 211, 218, 265, 269, 334, 337.
 John XXII., Pope ; 206, 219.
 John and Clement, the ship ; 519.
 Jones :
 James, petition of ; 63.
 Cornet Lewis ; 35.
 Nicholas ; 279.
 Sir Theophilus ; 2, 46, 47, 53, 55, 73.
 — his troop ; 101.
 Thomas ; 374.
 Jordan, Thomas, deposition by ; 88.
 Jose :
 Henry ; 401, 409-415 *passim*.
 John ; 412.
 Josse, William ; 392.
 Joyce, Joyes :
 Henry ; 73, 488, 491.
 John ; 508.
 Richard ; 439.
 Robert ; 488.
 Walter ; 432.
 Jubbs, John, petition of ; 102.
 Jukes, Edward, plaintiff ; 85, 88.
 Jull, John ; 502.
 Justices, Lords (1631) ; 273.
 Juuene, Worgan le ; 213.
 Juxon, Thomas, petition of ; 97.

K.

Kaghelstown, tithes of ; 25 *note*.
 Kaiserwerth, siege of ; 199.
 Karreu, Reimund de ; 205.
 Kavanagh :
 Col. Charles, his regiment ; 139.
 — death of ; 146.
 — his son ; *ib.*
 Mary, petition of ; 92.
 Kearie, Kerry, Baron and Lady of ; 273.
 Kearney, David ; 340, 343, 375.
 letters of ; 346, 347, 348.

- Keating, John, petition of; 51.
 Keene, Stephen, petition of; 83.
 Kegan, John; 492.
 Kellepscoip; 211.
 Kellies; 398.
 Kellmaccabirn; 211.
 Kelly:
 Dennis; 509.
 Edmond, petition of; 67.
 Capt. Edmund, killed; 143.
 James, petition of; 74.
 John; 2, 56.
 — petitions of; 2, 73.
 Robert; 56.
 Thomas; 264.
 Kellynee; 211.
 Kenagh castle, co. Longford, siege of; 128.
 Keneen, Donogh Oge; 29 *note*.
 Kenlys, Kenles; 224, 225, 227, 234.
 deanery of; 234, 235.
 Prior, &c. of; 217, 225, 235, 242.
 Kenmare, Lord (1691); 154.
 Kennedy:
 David; 14.
 John; 56.
 Richard, of Dublin; 95.
 Sir Richard; 71.
 — certificate of; 72.
 Kennell, William, trooper; 84.
 Kenny, James; 509.
 Kensington; 193.
 Kent, John, petition of; 97.
 Kepoc, John; 271.
 Kerduffe, Christopher, petition of; 101.
 Kerdyffe, Christopher, claim by; 98.
 Kerey, Teige; 56.
 Kerry; 360.
 Brigadier Levison sent into; 161.
 Kertmel, Prior of, Roger; 214, 215.
 Kerwane, Kerowan:
 Denes; 423.
 Deonise; 420, 422.
 Edmond; 422, 423, 426, 428, 429, 431, 473.
 James; 469.
 Nicholas; 423, 424.
 Thomas; 426.
 See Kirvane.
 Kerwiche or Kervicke, James or Jhamis;
 389, 409, 419–429 *passim*.
 Keyes, John, of Wicklow; 41.
 Kilbecok; 235.
 Kilcash; 154.
 Kilcolman; 241.
 Kilcow, co. Meath; 19.
 Kilerath, tithes of; 96.
 Kilculyn, church of; 215.
 Kildare; 154.
 assessment on; 59.
 county; 214, 215.
 — excise farmer in; 75.
 — Grany in; 206.
 diocese of; *ib*.
 Earl of; 205.
 — Henry; 354.
 — (1667), his troop; 26, 27.
 Kildromfertan, tithes of; 25 *note*.
 Kilegeleene parish; 96.
 Kilfan; 238.
 Kilfenorah:
 see of; 20, 21.
 Bishop of; 355, 376.
 Kilfetheragh; 239.
 Kilkeevan, co. Roscommon; 30.
 Kilkellethin, abbey of; 227.
 Kilkenny; 67, 136, 208, 214, 221, 226, 233, 256, 263, 264, 267–271, 342, 355, 375, 376, 467.
 William III. at; 138.
 English army at; 145.
 Castle, documents dated at; 14, 35–40 *passim*.
 councils at; 257, 356.
 statutes of; 221, 256 *et seq.*
 chapter of; 233.
 deanery of; 237.
 sheriff of; 37, 260.
 provost, &c. of; 223.
 lands in; 32, 34, 82.
 extent taken at; 263.
 market rights in; 223.
 Cathedral; 223, 246.
 county; 299, 309, 341.
 St. Canice; 220, 237, 262.
 Dean of St. Canice; 223.
 liberty of; 227, 260.
 church of the Blessed Mary; 237.
 church of St. Patrick; *ib*.
 St. John's; 223, 237.
 — Prior of; 225, 242.
 — monastery of; 226.
 murage of; 262, 263.
 Edmund, petition of; 90.
 Kilkirl; 234.
 Kilklethin, House of; 270.
 Kilknedy; *ib*.
 Kilkonery, mortgage of; 15.
 Kilkylhyn, Kylkilling; 237, 270.
 Abbess of; 225, 242.
 Killagh; 235, 240.
 Killala, Bishop of; 209, 355, 376.
 Killaloe, Bishop of; 376.
 Killaloo; 163, 166.
 Killamery; 235.
 Killane parish, Grange in; 96.
 Killcolgan; 52.
 Killcornan; 470.
 Killcoverin parish; 96.
 Killereest parish; *ib*.
 Killeen Castle, Ireland; 107.
 Killeshulane; 32.
 Killinaglisce, lands in; 93.
 Killinkeere, tithes of; 25 *note*.
 Killinvarra parish; 97.
 Killisardan, tithes of; 25 *note*.
 Killishin, Queen's Co.; 28, 29.
 Killmainham; 79, 91, 95.
 St. John's Chapel near; 4.
 lands near; 50.
 Killmogar, co. Kilkenny; 32.
 Killmurrey, in Finagh parish; 96.
 Kilmaboy; 237.
 Kilmacduagh, Bishop of; 376, 452.
 Kilmanagh; 239.
 Kilmaynan, Prior, &c. of; 212, 226.
 Kilmedymoke; 237.

Kilmegen; 234.
 Kilmekar; 241.
 Kilmelag; 238.
 Kilmenhan; 241.
 Kilmore :
 tithes of; 25 *note*.
 Bishop of; 376.
 Kilpatrick, tithes of; 25 *note*.
 Kilros; 214, 215.
 Kilrush; 214.
 Kilry; 235.
 Kilsallaghan, co. Dublin; 30.
 Kiltauin; 239.
 Kiltorcan; 235.
 King, —; 43, 44.
 Gabriell; 501, 507.
 Johu; 478.
 — of Wicklow; 41.
 Marmaduke; 77.
 Martin; 508, 509.
 Nicholas; 15.
 Dr. Ralph, petition of his widow; 34.
 Sir William; 45, 86, 96, 97.
 King's County, lands in; 34.
 Kingsland, Viscount (1668), petition of;
 78.
 Kingsmill, Dorothea, petition of; 9.
 Kingston :
 Lord (1667), his troop; 37, 45, 46.
 Baron, President of Connaught; 70.
 — report by; 70, 71.
 Kinsale; 47, 54, 73, 267, 309.
 French fleet at; 128.
 James II. at; 136.
 fort; 146.
 Kinvarra parish; 96.
 Kirk, Kirke :
 Cornet, killed; 135.
 General, Waterford taken by; 138,
 139.
 — at Limerick; 142.
 — his relief of Byrr Castle; 145.
 Kirkham, John, petition of; 101.
 Kirvane, Kyrwan, Kirowan, &c.:
 Andrew; 487, 488.
 Anthony; 442.
 David; 391, 414.
 Denis; 413, 417, 420, 422.
 Edmond; 390, 410, 419-421, 432,
 473, 488-495, 500.
 Francis; 355, 376.
 James; 423, 487, 488.
 John; 492, 495, 507, 508.
 Jonock; 395, 404, 405.
 Marcus; 468, 490, 493, 495, 507,
 508.
 Martin; 419, 494, 508.
 Nicholas; 423, 457, 458.
 Patrick; 446, 447, 456, 488, 491,
 493, 494, 508.
 Peter; 421, 442.
 Richard; 402, 413-416, 462, 476,
 489, 491, 493.
 Robert; 477, 507, 508.
 Stephen; 461, 462, 487.
 Thomas; 396, 400, 406-412 *passim*,
 448, 453.
 William; 391, 393. *See* Kerwane.

Kirwicke, Kyrvick, James; 419, 431, 432.
 Kiteler, Dame Alice; 220.
 Knap, Francis; 510, 511, 513.
 Knight, William, petition of; 53.
 Knockmoye; 403.
 Kylcome; 236.
 Kylpech, John de; 218.
 Kyrvan. *See* Kirvane, &c.

L.

Labourers, Statute of; 227, 258.
 Lacy :
 Captain, killed; 143.
 Hugh de; 205, 210.
 Ladyman, Leonard, butcher; 63.
 Laghy, Tho.; 56.
 Lagore, co. Meath; 127.
 La Hogue, battle of; 186.
 Lalum, Thomas, trooper; 98.
 Lamarche, regiment of; 128.
 Lambay; 213.
 Lambert, John; 359.
 La Melloniere, Brigadier, summons Drog-
 heda; 136, 137.
 Lane :
 Bartholomew, his executor; 31.
 Sir George; 83.
 Thomas trooper; 8.
 — petition of; 99.
 William; 56.
 — petition of; 83.
 Langdon, Ric.; 263.
 Langtuo, Thomas; 264.
 Langrish, Ann, petition of; 55.
 Languedoc; 200.
 Lanthony, Priors of; 206.
 Lardner, Henry; 519.
 Latorre, James De; 279.
 La Tour, Monsieur :
 his nephew killed; 161.
 governor of Limerick; 168, 171.
 La Trappe, convent of; 186.
 Laules :
 Jhamis; 390.
 William; 330.
 Lauzun, Count de, general in Ireland;
 123.
 Lawless, Captain, killed; 144.
 Lawrence :
 Anthony, of Clonmel; 56, 58.
 Thomas; 95, 96.
 — petition of; 61.
 Lea :
 George; 277.
 Walter; 459.
 Leake or Lake :
 John; 520.
 Major John, petition of his adminis-
 trator; 67, 68.

- Leche, John; 300.
 Lechlyn; 218.
 Ledered, Richard, Bishop of Ossory;
 219-234 *passim*.
 — verses ascribed to; 242 *et seq.*
 Ledwich, Walter, plaintiff; 78.
 Lee:
 John; 339.
 Thomas; 88.
 Lecos, Nicholas; 273.
 Legro, Robert; 329.
 Leicester, Captain Adam; 91.
 Leighlin, diocese of; 206, 209, 211. *See*
 Ossory.
 Leighton, Ellis; 503.
 Leinster; 130.
 King of; 205.
 forest in; 210.
 good men of; 211.
 prelates of; 205.
 Mount, Lord of; 178.
 Leixlip; 136.
 Lemon, Sir William; 94.
 Lent, Sundays in; 324.
 Leonard:
 Alexander; 272, 277.
 John; 275.
 Martin; 279.
 Robert; 277.
 Stephen; 277.
 Lery, Marquis de, general in Ireland;
 128.
 Leslie, James, gunner, petition of; 10.
 Lesone, George; 508.
 Lesson, George; 503.
 Lesterglyn; 236.
 Leus:
 Nicholas; 273.
 Thomas; 275.
 Levelis, Francis; 29 *note*.
 Levison, Brigadier, sent into Kerry; 161.
 Ley:
 John; 272.
 — petition of; 51.
 Nicholas; 275.
 William de; 216.
 Leyns, Christopher; 443.
 Lickblagh, tithes of; 25 *note*.
 Liffey, the river; 4, 136.
 "Light to the Blind," its history; 107-
 204.
 Lightburne, Stafford, petition of; 26.
 Lille; 352.
 Limehouse; 10.
 Limerick; 98, 105, 341, 380:
 complaint against troops in; 92.
 siege of; 136, 137, 156 *et seq.*
 Irish army at; 135, 136.
 William III.'s march to; 138.
 Tyrconnel's preparations for defence
 of; 154, 156.
 Cathedral, burial of Tyrconnel in;
 160.
 causes of its surrender; 167.
 the Treaty of; 172-179, 204.
 High Street; 168.
 Ireton's fort; 160.
 Limerick—*cont.*
 Toumond Bridge and Gate; 160, 165,
 170.
 St. John's Gate; 174.
 citizens of; 206, 211.
 Bishop of; 355, 376.
 mayor of; 266.
 Earl of (1690), his son killed; 135.
 — (1691), in France; 180.
 — agent-general; 204.
 Linch. *See* Lynch.
 Lincoll, Lyncoll:
 Bartholomew; 277.
 Gerald; 278, 279, 289, 311.
 James; 275, 279.
 John; 272, 290, 318.
 Robert; 295, 296, 297.
 William; 270, 273, 277, 278, 293,
 297, 298, 302, 310, 328, 330, 331.
 Lincoln, Bishop of; 208.
 Lindly, John, of Wicklow; 41.
 Linhame, James; 279.
 Lionarde, John; 275, 276.
 Lisbon; 117.
 Lisburn, Lord (1691), Leftus; 161.
 Liskerig parish; 96.
 Liskilly; 210.
 Lislérin, impropriation of; 96.
 Lismore; 373.
 Bishop of; 208, 209, 215.
 See Waterford.
 Lissenton, Michael; 50.
 Lisson, Lieut. Col.; 63.
 Little:
 Colonel Francis, robbery of; 42.
 Margaret, petition of; 91, 92.
 Patrick; 4.
 Ensign William, petition of; 73.
 Livett:
 James; 277.
 John; 279.
 Lixnaw; 273.
 Lloyd:
 Sergeant John, petition of his widow;
 58.
 Peirce, petition of; 45.
 Cornet Trevor; 89.
 Lock:
 alias Dracott, Eleanor; 78.
 John; 78, 91.
 Nicholas, petition of; 9.
 Richard, of Wicklow; 41.
 Loftus:
 Lord (1691), of Lisburn, killed; 161.
 Adam; 273, 374, 478, 481.
 Dudley, memorandum by; 51.
 Thomas, petition of; 26.
 Lombard, Lumbarde:
 James; 274-278 *passim*.
 John; 263, 273, 329.
 Nicholas; 274, 275.
 Paul; 274.
 Peter; 342-346, 350, 374.
 — treatise by; 364 *et seq.*
 Robert; 278.
 Thomas; 273, 326, 327.
 William; 273, 292, 312, 321.
 Lombardy, Philip V. in; 199.

- Lomoe; 234.
- London :
 the great fire; 11.
 Grocers' Hall; 9.
 Tower, prisoners in; 146.
 church of; 207.
 Henry de; 216.
 Thomas de; 214.
- Londonderry; 21, 35, 36, 38, 63, 69.
 governor of; 61, 135.
 merchants of; 67.
- Lonergan, James; 56.
- Longe, Jeames; 305.
- Longespée, Roisia; 205, 215.
- Longeville, Sir Thomas; 15.
- Longford :
 impropriate tithes in; 25 *note*.
 sheriff of; 47.
 assize for; 48.
 gaol; 103.
- Longueville, Sir Thomas, petition of; 2.
- Loo :
 William III. at; 190.
- Lord, Richard, petition of; 80.
- Loughbrickland, co. Down; 130.
- Loughmoe; 145, 166.
- Loughrea; 151.
 merchants of; 40, 43, 54.
- Louis XIV.; 126, 270.
 and the surrender of Limerick; 168.
 his designs on Ireland; 170.
 his visits to James II.; 184.
 his acknowledgment of the Prince of Wales; 185, 188, 190.
 and William III.; 197.
- Loundres, Henri de; 205, 207, 265.
- Louth :
 County; 349.
 — lands in; 19, 79, 81.
 Bishop of; 205, 218.
 Lord (1689), his regiment; 127.
 — O. Plunkett; 111.
 — (1691), a hostage; 166.
- Louvain; 345, 362.
- Lovelock, Thomas; 478.
- Lovett, Christopher; 102.
- Lowth, Henry, petition of; 89.
- Lowther, Capt. Richard, his company; 43.
- Lowy, tithes of; 25 *note*.
- Loyd, Oyner; 101.
- Lucan, Earl of :
 General Sarsfield made (1690); 143, 147, 153.
 feat achieved by; 166.
 commissioner; 173.
 rejoins James II.; 179, 180, 181.
- Lucius III., Pope; 205, 206.
- Lucker, Richard; 274.
- Ludlam, Elizabeth, petition of; 97.
- Ludlowe, Edmond, order to; 61.
- Ludman, Ellinor, charge against; 17, 18.
- Ludovisian Seminary, Rome; 343, 354.
- Lullam, Francis, of Galway; 98.
- Lumbard. *See* Lombard.
- Lupton, George, soldier; 27.
- Lurcan, Matthew; 387, 389, 392, 403.
- Lusk, land at; 218.
- Lutterel :
 Brigadier Henry, at Limerick; 140, 142.
 — at Aughrim; 148, 151.
 Col. Simon, agent to St. Germain; 145, 177.
 — in France; 180.
 — with the French fleet; 181.
 Thomas, petition of; 89.
- Lutterelstown; 145.
- Lylles, John, executor; 98.
- Lymbricke; 410. *See* Limerick.
- Lynch, Linch, &c. :
 Alexander; 500.
 Ambrose; 385, 389, 400, 408, 411, 417, 451, 508.
 Sir Andrew; 96.
 Andrew, Androwe; 355, 376, 384—408 *passim*, 463, 466, 469, 488, 491.
 Antony, Anthony; 392, 399—411, 423, 424, 432, 448, 456, 457, 460, 487, 495.
 Antony More; 457, 458.
 Arthur, Arture; 382, 392, 399, 408, 451, 454, 495, 501, 509.
 Charles; 421, 422.
 Christopher; 406, 428, 457, 458, 459, 461, 469.
 Dominick, Domnyck, Domyneck; 272, 385—393, 406—462 *passim*, 484, 491, 509.
 Edmond; 403, 458, 468, 411—417.
 Francis; 508.
 Gabriel; 397.
 Geffrey; 385, 386, 390, 391, 460, 465, 466.
 George; 385, 389, 408, 417, 418, 419, 420, 479.
 Harry; 476.
 Henry; 414, 506, 507, 509.
 Isidor; 507.
 James, Jamys, Jhamis; 384—404, 418—493 *passim*.
 James Oge; 408, 416, 418, 436, 486.
 John, Jhon; 385—460 *passim*, 491, 508.
 John Oge, Jhon Oge; 413, 417.
 Johnakin, Johnickene, Jhonickin, &c.; 390, 410—432 *passim*.
 Johnneck; 467, 484.
 Johnick; 428, 482.
 Johnock, Johnocke; 405, 413, 415, 416, 417, 482.
 Johnockyne; 402.
 Joseph; 509.
 Laynard; 392.
 Marcus, Markus; 404, 405, 421, 429, 431, 432, 440—511 *passim*.
 Mark; 509, 518.
 Martin, Marten; 388, 390, 397, 399, 407—419 *passim*.
 Martin Fitz John; 397.
 Martyne Fitz Christopher; 421.
 Martin Galdy; 459.
 Michael, Mychaell, Mychell; 448, 457, 458, 461, 484, 489, 491, 493, 495, 500.
 Nicholas, Nicolas; 390, 407, 414—509 *passim*.

- Lynch, Linch, &c.—*cont.*
 Nicholas Fitz Arture ; 394.
 Nicholas More ; 488, 491, 493.
 Oliver, Olyver ; 386, 391, 392, 393.
 Patrick ; 391, 407, 414, 415, 455, 456, 509.
 Pers, Pieres, Peeres, &c. ; 384–480 *passim*.
 Peter, Petter, Pyter, &c. ; 391, 392, 400, 417–468 *passim*, 488, 495, 500.
 Richard ; 393, 403, 404–406, 416, 417, 451, 468, 469, 501, 508, 509.
 Robert ; 391, 392, 295, 489, 490, 493.
 Robocke, Robuck, Robuge, &c. ; 385, 391–397, 413, 420–432, 488, 491, 494, 508, 509.
 Roland ; 452.
 Stephen, Stevn, &c. ; 388–428 *passim*, 434, 454, 460, 475–499 *passim*, 509.
 Thomas ; 385, 389, 402, 409, 431, 446, 447, 455, 468, 471, 472, 473, 477, 484, 488–510 *passim*.
 Ullicke ; 448, 453–462 *passim*.
 Walter ; 386, 393–401, 416, 434, 488, 491.
 Walter Reagh ; 493.
 William ; 385, 406, 456, 457, 469, 484, 489, 491, 493.
 William Duff ; 385.
 Wyllick ; 399, 419, 452, 453.
- Lyndon, George ; 74.
 Lynne, Andrew, petition of ; 86.
 Lyons ; 352.
 Lysle, William, petition of ; 53.
 Lysmooyagh ; 235.
 Lyvett :
 James ; 277.
 John ; 278.
 Robert de ; 218.
- M.
- McBrene, Chonchor McMoyriertigh ; 425.
 McBrian, Terlogh ; 26.
 McBrodyn, Gillebride ; 425.
 Macclesfelde, N. ; 263.
 McConchor, Dermond McCormock ; 425.
 McDaniel, Owen ; 26.
 MacDonnell :
 Alexander ; 356, 510.
 Morchowe McTerraligh ; 424, 425.
 family of Aran, compact with mayor, &c. of Galway ; 424 *et seq.*
 McDoyle, Donnagh, petition of ; 5.
 MacEgan ; 403.
 Boetius ; 376.
 McEnteere, Terlogh ; 26.
 Macgee, Capt. George ; 129.
 Macgilmore, John ; 298.
 McGuerke, Patrick, his horse ; 106.
 Macguillieuddy :
 Col., governor of Cork ; 146.
 — in the Tower ; *ib.*
- Macguire, Col. Constantine, killed ; 154.
 Mackay, Lieut.-General, in Ireland ; 130, 165.
 McKigan ; 403.
 Mackintosh, Sir James ; 111.
 MacMahon :
 Emer ; 346, 376.
 Eugenius ; 342.
 MacMorchoue, Dermot ; 425.
 MacMorchoueyne, Conchor ; 425.
 MacMorchowe, Teige ; *ib.*
 McMullan, Archibald, petition of ; 89.
 MacMurchad ; 211.
 MacMurragh ; *ib.*
 Eva, daughter of Dermot ; 205.
 McNeale, Robert ; 78, 89.
 McRory, Edmund, murder of ; 33.
 McShane :
 Brian ; 29 *note*.
 Teig ; *ib.*
 McTeig, William ; *ib.*
 McTerraligh, Morchowe ; 425.
 MacTiriligh Oge, Teig ; *ib.*
 Maculy ; 236, 240.
 Madan, Maddan :
 James ; 273, 274, 275, 279.
 John ; 275, 321, 322, 324, 326.
 Nicholas ; 324, 326, 329.
 Richard ; 276.
 William ; 273.
 FitzWilliam, James ; 279.
 Madden :
 Col. Edmund, a prisoner ; 154.
 Morgan ; 76.
 Madokeston ; 238.
 Madrid ; 343.
 Magennis :
 Arthur ; 376.
 Bonaventura ; 341, 343.
 — letter of ; 353.
 Magher, Edm. ; 56.
 Magheridernon barony, lands in ; 93.
 Magrath, John, petitions of ; 61, 97.
 Maguire, Thomas ; 83.
 Mahony :
 Captain Daniel, at Cremona ; 192.
 Colonel, killed ; 154.
 Maillardeston ; 234.
 Maires, Andrew ; 452.
 Majorca ; 200.
 Makes, Thomas, sergeant ; 100, 101.
 Malbone, Thomas, Margaret, and Ralph ; 66.
 Malbre, Nicholas ; 440.
 Malchus, Bishop ; 206.
 Mallaghan, Daniel ; 56.
 Malory *alias* Hughes, petition of ; 63.
 Malpas, John ; 278, 292.
 Malt, price of ; 470.
 Manchester, Earl of (1690) ; 130.
 Mancino, Chino, son of James de ; 216.
 Mandeville, John, petition of ; 55.
 Manley, Col. Robert, complaint against ; 48.
 Mann, Oliver, soldier ; 42.
 Mansonio, Lodovico ; 342.
 Mantua, blockade of ; 198.
 Manwaring, Katherine, petition of ; 80.

- Marche or strong beer; 470.
 Marchman, R., soldier; 42.
 Mareis, Mares, &c.:
 Andrew; 419, 446, 447, 448, 453.
 George; 446, 447, 453.
 John; 391, 396.
 Richard; 385.
 William; 389, 402-405.
 Mareschal, William. *See* Pembroke, Earl of.
 Margan and Fogge; 29 *note*.
 Markets; 209, 210.
 grants of; 214.
 rights; 223.
 clerk of the; 282.
 Markighan. *See* Omarkighan.
 Marlborough; 518.
 Marlebridge; 337.
 Marley, Capt. Anthony, petition of; 105.
 Marres:
 Andrew; 454.
 Richard; 458.
 Marriages, clandestine; 349.
 Marsden, Samuel and Mary, suit of; 95.
 Martin, Martyne, &c.:
 Andrew; 487.
 Dominick; 432, 445, 453, 455, 476, 495, 499.
 Ellen; 452.
 Frances or Francis; 426, 427, 445, 452, 458, 467.
 Geoffrey; 433, 456, 477-482, 483.
 George; 467, 482, 484, 495.
 Jasper; 473.
 John; 420, 427, 445, 446, 448-455, 491, 494, 509.
 Marcus; 469, 482, 484.
 Nicholas; 469, 488, 491.
 Olyver; 459, 481, 488, 491, 493, 507, 508.
 Patrick; 418, 462, 465, 466, 469, 470, 479, 488.
 Peares; 488, 491.
 Peter; 388, 469, 507, 509.
 Capt. Pierce, petition of; 81.
 Piers; 467, 470, 482, 484.
 Richard; 398, 406-413, 433, 435, 460, 461, 463, 469, 470, 488, 491, 493.
 Robert; 460, 469, 470, 489, 494.
 Robuck; 454.
 Stephen; 491.
 Thomas; 388, 403, 405, 412-423, 426, 509.
 Walter; 392, 442, 467.
 William; 398-411, 419, 421, 434, 440-453, 491, 492, 500.
 Corporal William; 78.
 Mary, Queen of Scots; 345, 364, 365.
 Maryborough; 46, 77, 88.
 gaol; 33.
 Maryner, Nicolas; 330.
 Marys, Andrew; 421.
 Maryse, William; 393.
 Masden, Thomas, trooper, charge against; 99.
 Maslay, Capt. Anthony; 89.
 Masons, hire of; 401.
 Masters, John, soldier; 42.
 Mathues, Anne, petition of; 78.
 Matilda, Empress; 223.
 Matthew, Mathew:
 Colonel, his dragoons; 139.
 George, petition of; 76.
 Matthews, Mathews:
 John; 501, 502.
 Lient. Christopher; 98, 100.
 Eugene; 345, 373.
 Mawman:
 Chri., of Wicklow; 41.
 John, of Wicklow; *ib*.
 William, of Wicklow; *ib*.
 Maxfield, Patrick; 25 *note*.
 Maxwell:
 Brigadier, at Limerick; 142.
 Colonel, his dragoons; 134.
 May:
 Abraham; 29 *note*.
 John; 298, 300, 330, 331, 334, 501-507.
 Flower, the ship; 3.
 Maylie or Maley, Charles:
 petition of; 42.
 pardoned; 42, 43.
 Mayn; 214, 215, 241.
 Mayne:
 tithes of; 25 *note*.
 Thomas; 278.
 Maynwaring, Dudley, petition of his widow Rebecca; 38.
 Mayo:
 county; 470, 490.
 — excise duties in; 27.
 — lands in; 83.
 Captain, killed; 120.
 Meade, John; 56.
 Meagh, Henry, petition of; 73.
 Meara, Major Frank, killed on the Boyne; 135.
 Meary, harbour of; 479.
 Meath; 443.
 gaol of; 47.
 sheriff of; 26, 47.
 lands in; 53, 54, 94, 97, 101.
 impropriate tithes in; 25 *note*, 101.
 diocese of; 377.
 — Consistorial Court of; 95.
 Bishop of (1669), petition of; 94.
 — 228, 271, 340-344.
 — letters of; 350, 359.
 Meeagh, Teriligh; 425.
 Melfort, Earl of (1690); 129.
 Meller, Robert, petition of; 34.
 Mendicant orders; 492.
 Menervy in Connacht; 211.
 Merchandise, statute on; 226, 227.
 Meredith:
 Edward, executor; 61.
 Ensign Robert, petition of; 55.
 Sir William, his troop; 74, 100.
 Merode, regiment of; 128.
 Metcalfe, John, trooper, charge against; 99.
 Methuen, Paul; 520.

- Meyler :
 Nicholas, petition of his widow Judith ; 49.
 Patrick ; 277.
 Mezandier, Renne, petition of ; 61.
 Michellburne :
 Timothy ; 14.
 — petition of ; 44.
 Col., his capture of Sligo ; 164.
 Middleton :
 Captain or Andrew ; 57.
 Sir James, his company ; 51, 56, 92.
 — bond by ; 56, 57.
 Milan :
 entry of Philip V. into ; 199.
 Cathedral ; 270.
 Miller, Robert ; 507.
 Milltown, co. Louth, town and lands of ; 44.
 Missett, *alias* Claxam, Mary, petition of ; 99.
 Mitchell, John, debt due to ; 66.
 Mohaud, Slanus de ; 213.
 Molgan, John ; 301.
 Mollogan, William ; 387.
 Molyneux :
 Capt. Adam ; 78.
 — petition of ; 11.
 Monewy ; 217.
 Money-dealers, Florentine ; 206.
 Mongats, Colonel, killed ; 154.
 Mounmouth :
 Duke of ; 201.
 — his rebellion ; 115.
 Earl of (1691), his regiment ; 146.
 Monmethan, John ; 263.
 Monsell, John ; 264.
 Montgomery, Hugh, petition of ; 26.
 Monybranthteile ; 32.
 Monyleagh, lands in ; 93.
 Moore :
 Captain, allotment to ; 27.
 Alexander, suit of ; 67.
 Archibald ; *ib.*
 Col. Charles, killed ; 154.
alias Wheeler, Elizabeth, petition of ; 89.
 Garet ; 508.
 Col. Garret, petition of ; 3.
 Capt. Garrett, his company ; 42.
 Gerald ; 507.
 Sir James, his marriage ; 19.
 Lawrence, petition of ; 43, 54.
 Randal ; 19, 99.
 Cornet Randal, petition of ; 91.
 Capt. Roger, trial of ; 63, 64.
 Samuel ; 50.
 Thomas ; 389.
 Moorehouse, Gamaliel, trooper ; 97.
 Moran, Cardinal ; 345.
 Moretain :
 John, Earl of ; 205, 209, 210, 211, 214, 271.
 Morgan :
 Lieut.-Col., killed ; 154.
 Andrew ; 279.
 Sir Anthony, petition of ; 43.
 Charles ; 513.
 Morgan—*cont.*
 John ; 273, 278, 299, 303, 325, 326, 331, 502-504, 513.
 — petitions of ; 52, 66.
 Nicholas ; 297, 298, 328, 330.
 Patrick ; 276, 317.
 Peter ; 279.
 Capt. Robert ; 52.
 William ; 49.
 Moriz :
 Sir John ; 265.
 John ; 271.
 Morley, Mr. ; 61.
 Morony, James ; 56.
 Morowe, Teig Etrugh Morehowe ; 425.
 Morris :
 Golden, petition of ; 99.
 James ; 49.
 John, order to ; 9.
 — his ironworks ; 65.
 Morton, Captain or Capt. John, his company, &c. ; 51, 56, 57, 67, 73, 89, 105.
 Mostian, Hugh ; 342.
 Mothell rectory, co. Waterford ; 96.
 Mothill ; 240.
 Mothinge, Katherine ; 270.
 Mount Alexander, Earl of (1669), his troop ; 84.
 Mountcashel, Viscount :
 (1699), his regiment ; 126, 128.
 his army ; 141.
 Mountgarret :
 Viscount (1649) ; 356.
 — (1668), petition of ; 64.
 — petitions of his son ; 81, 82.
 — his estate in Kilkenny ; 82.
 Mountrath :
 Earl of, his company ; 70, 102.
 Dowager Countess of ; 45.
 Moycashall barony, lands in ; 93.
 Moyhurry, co. Wexford ; 162.
 Moynalty, co. Meath ; 54.
 Mulhallen, Arthur, trooper ; 74.
 Mullagh, tithes of ; 25 *note*.
 Muncstowne *alias* Mountains, tithes of ; 96.
 Munster, President of ; 48, 75.
 Murage ; 262-267 *passim*, 303.
 and ancient customs levied at Waterford ; 289.
 Murphi, Padre ; 360.
 Murry, John ; 502.
 Musgrave, Edward, petition of ; 84.

N.

- Naas :
 co. Kildare ; 136.
 William, Lord of ; 213, 218.
 Nagle, Sir Richard, Lord Justice ; 158, 171, 182.
 Nairne, David, secretary to the Pretender ; 111.

Naples, entry of Philip V. into ; 199.
 Nassau :
 Count de (1690), in Ireland ; 130.
 Sarbruck, Prince ; 199.
 Navan ; 132.
 Neale ; 490.
 Sir William, his troop ; 11, 50.
 Nectar ; 221, 222, 228.
 the manner of making ; 256.
 Needham, Captain, killed ; 143.
 Nele :
 John, 270, 274.
 Thomas ; 299, 303, 331.
 Nelle, John ; 275.
 Nenagh, Tipperary ; 157.
 Nettervil, Capt. William ; 129.
 Netterville, Lord :
 (1649) ; 356.
 (1668) ; 53.
 Newman :
 Lady, her defence of Kenagh Castle ;
 128.
 Dame Catherine, petition of ; 69.
 Robert ; 78.
 Sir Thomas ; 69, 84, 128.
 Newman :
 Ellen ; 56.
 Henry, petition of ; 30.
 New Ross ; 347.
 Newry ; 130.
 capture of ; 127.
 fight near ; 131.
 Newton, Samuel ; 501.
 Newtown lands ; 63.
 Nicholas :
 Francis, petition of ; 59.
 Richard, petition of ; 9.
 Nicholls, Lieut. Thomas ; 89.
 Nicholson :
 John, petition of ; 38.
 Robert, his administrators ; 50, 71.
 William ; 56.
 Nickel, Goswin ; 341, 344, 359.
 Nixon :
 one ; 105.
 John, petition of ; 31.
 Nolan, Gregory ; 509.
 Nolane, Charles ; 462.
 Nongle, John ; 319.
 Norfeld, William de ; 216.
 Norreis, David le ; 213.
 Norse settlers ; 269.
 North, Stephen, of Wicklow ; 41.
 Norwich, Bishop of ; 226.
 Norwood, Charles, plaintiff ; 85, 88.
 Nova villa ; 214.
 Nugent :
 Brigadier, his siege of Kenagh ; 128.
 — killed at Cavan ; 128, 129.
 Lieut. Col., of Dardistown ; 179.
 Bertram, son of Robert de ; 214.
 Henry, prisoner ; 58.
 Robert ; 352.
 Numan, Katherine, of Dublin ; 44.
 Nurse, John, trooper ; 8.

O.

Oath, form of ; 206.
 Oates, Titus ; 174, 186.
 Obarcon, Obargoun ; 224, 225, 227.
 deanery of ; 235, 236.
 O'Birne or O'Bryn, Shane ; 74.
 Oblations ; 296.
 Obrenane, Dermicius ; 264.
 O'Brien :
 clan of ; 424.
 Captain ; 129.
 Col. Daniel, his regiment ; 126.
 Terence Albert ; 346, 376.
 Occe, Thomas ; 218.
 O'Clerighs ; 354.
 Oclery, Dermicius ; 265.
 Oclowan, David ; 264.
 Oconach ; 210.
 O'Connol, Colonel, a prisoner ; 154.
 O'Connor, Connor, petition of ; 30.
 Odogh ; 225.
 deanery of ; 240, 241.
 O'Donnell :
 Baldarg, account of ; 155.
 — Irish battalion under ; 180.
 William ; 463.
 O'Donogho, Richard ; 338.
 O'Dowan, Therrollagh ; 445, 446.
 Odrona ; 210.
 O'Duffie, Philip :
 petition of ; 12.
 release of ; 13.
 O'Dwyre, Edmund ; 355, 376.
 Offerlan ; 241.
 Ofogirty, Maurice ; 264.
 Ofons, John ; 331.
 O'Fyne, Donogho ; 338.
 Ogleby, William, petition of ; 101.
 O'Hanlan, Laughlen :
 petition of ; 106.
 report on ; *ib.*
 O'Hedian, John ; 264.
 O'Hernan, Charles Cahan Conuers ; 425.
 O'Heyry, Donough, pardon to ; 46.
 Ohwolaghan, Tadeus ; 264.
 Okconnauth ; 218.
 O'Keaver, Humphrey ; 19.
 O'Kennedy, Philip ; 228.
 Okive, Owen, petition of ; 64.
 Okonauch ; 213.
 Oldcourt ; 263.
 Oliva, Padre ; 341, 361, 363.
 Oliver :
 Capt. Robert ; 90, 95.
 — petition of ; 94.
 St. George ; 513.
 Omarkighan :
 John ; 452.
 Walter ; *ib.*

Omnylen, Thomas; 455.
 O'Neill, O'Neale, &c. :
 Capt. Daniel; 129.
 Col. Felix, killed; 154.
 Col. Gordon, at Limerick; 140.
 — at the battle of Aughrim; 149.
 — a prisoner; 154.
 — goes abroad; 179, 180.
 Sir Henry, his lands; 90.
 Henry Mac John, Brigadier, killed;
 154.
 Henry More, petition of; 71.
 — certificates concerning; 72, 73.
 Sir Neill, at the Boyne; 133, 134.
 — death of; 135.
 Owen; 357.
 Phelim; 356.
 O'Queely, Malachy; 346.
 Orange :
 Prince of, in England; 120 *et seq.*
 — in Ireland; 126 *et seq.*
 Princess of, Mary, remarks on her
 conduct; 122.
 Tree, the ship; 26.
 Ordnance, the, petition concerning; 31,
 32.
 O'Regan, Sir Thady :
 Governor of Charlemont; 129.
 Governor of Sligo; 164.
 O'Reilly, Hugh; 375.
 Orford, Lord; 520.
 Orleans, Duke of, his visits to James II.;
 184.
 Ormonde :
 the frigate; 8.
 Lower, barony of; *ib.*
 Marquis of, report on his manuscripts;
 1-106.
 Duke of (1666-1669), petitions ad-
 dressed to; 1-106.
 — documents, signed by; *ib.*
 — (1699), his company; 100, 101.
 — (1690), in Ireland; 130.
 — sent to Dublin; 137.
 — his return to England; 144.
 — (1702); 517.
 Earl of; 228, 356.
 — Thomas; 352.
 — James le Botiller; 226, 260.
 Ormsby :
 Edward; 503.
 George; 508.
 Gilbert; 513.
 John; *ib.*
 Joseph; 507.
 Richard; 501, 503.
 Robert; 510, 511, 512, 513, 517,
 518.
 William; 514.
 Orrery, Earl of, (1666), Roger; 15.
 Osborne, Mr., Clerk; 91.
 O'Shaghnes, Roger; 464.
 Ossory; 217, 221.
 cathedral of; 225.
 church of; 264.
 clergy of; 220.
 See of; 221, 226.

Ossory—*cont.*

— Archives of; 219 *et seq.*
 diocese of; 206.
 — Synods of; 221, 223, 228 *et seq.*
 — procurations in; 225.
 — taxation of; 219, 221, 224, 225,
 227, 234 *et seq.*
 — Red Book of; 219, 220, 222,
 234.
 — Register of; 220.
 Bishop of; 219, 223, 227, 340, 343,
 355.
 — letter of; 351, 352.
 — revenues of; 223, 242, 263.
 — rights of; 262.
 — Richard de Lederede; 219, 221,
 223, 227, 230, 232, 233, 234.
 — — verses of; 242 *et seq.*
 — Oliver Cantwell; 227, 264.
 — David Hackett; 223, 264.
 — Thomas Barry; 228, 264, 265.
 — John O'Hedian; 264.
 — John, 223.
 — Thomas Snell; 227, 228.
 — Thomas Otway; 228.
 — William; 233.
 Dean, &c. of; 223, 261.
 deanery of; 262.
 Alexander Balscot, rector of; 262.
 Earl of, Thomas, petitions addressed
 to; 1-106 *passim*.
 — (1666) petition of; 15.
 — (1666-69), his troop; 15, 28,
 35, 38, 39, 45, 51, 54, 64, 80, 86.
 Upper, barony of, proprietors in; 29
 note.
 Ostmen; 269.
 Otho, Cardinal; 205, 215, 218.
 Othothel, Muriarthauch; 215.
 Othothil, Agatha, daughter of Meyler; 214.
 O'Tool, Brian, Marshal Schomberg shot
 by; 134.
 O'Toole, Laurence; 205, 206.
 Othothel, Murkirtah; 211.
 O'Trehie, O'Trehy, Manus; 441.
 Ottaway, Otway, Thomas; 228.
 Querck; 224, 225.
 deanery of; 236, 237.
 Overkirk :
 Mons. d', in Ireland; 130, 133.
 — sent to Dublin; 137.
 Ovolloghan, Donill Oge; 390.
 Owens, Thomas; 347.
 Oweyn, Roger; 216.
 Owles, James, of Wicklow; 41.
 Owney, Thadey; 26.
 Owny, lands in; 32.
 Oxford; 262, 279.
 colleges, James II. &; 118, 119.
 Earl of (1650); 130.
 Oxmantowne Green; 79, 80.

P.

Packington, Lieut., William, executor; 9.
 Padua; 342.
 Page, Thomas, secretary to Ormonde; 54.
 Paine :
 James, petition of his widow Katherine; 92.
 Jo., surveyor, petition of; 1.
 Capt. John, certificate by; 87.
 Palladius; 345.
 Pallice; 486.
 Palmerstown :
 petition from; 79, 80.
 tithes of; 96.
 Paparon, Cardinal; 207.
 Paris; 341, 352, 358.
 English Benedictines church; 189.
 Parke, Lieut. Jo., farmer of excise; 48.
 Parker :
 Colonel, his regiment; 134.
 Col. John, his dragoons; 148.
 Parry :
 David, petition of; 26.
 Edward; 278.
 Dr. John; 96, 97, 104.
 Partridge, John, of Maryborough; 46.
 Passage, in co. Waterford; 285, 330, 339.
 Paul V. Pope; 345, 374.
 Paul, Thomas; 29 *note*.
 Paulet, Charles; 511.
 Peale, John, soldier; 27.
 Pecke, Damian; 462, 464, 466, 468.
 Peec, Richard del; 210.
 Pek, Richard del; 218.
 Pemberton, Roger, petition of; 67, 68.
 Pembroke :
 Earl of, William Mareschal; 205, 211, 213, 215, 218.
 — (1691); 146.
 Pencris; 214.
 church of; 207.
 Pennyfather, Mathew, quarter-master; 97.
 Peppard, Richard, of Wicklow; 41.
 Pergiter, John, petition of; 61.
 Perrie, Jonathan; 507, 508.
 Perth, Duke of (1701), and James II.; 185.
 Peters, John; 501, 502, 503, 504.
 Petre, Father; 119.
 Pettie, John, certificates by; 29 *note*, 30, 93.
 Peyton, Thomas; 478.
 Philip and Mary; 274 *passim*, 386.
 Philip IV.; 279.
 Phillips, Phillippis :
 George; 61, 62, 85.
 — petition of; 74.
 Richard; 11.
 — muster master; 95.
 Phillipstown, assizes at; 55.

Philpott :
 Nathaniel; 77.
 — petition of; 103.
 Pickel, Arthur; 49.
 Pigott, Captain, his company; 78.
 Pilltown, co. Waterford; 146.
 Pimlico; 91.
 Pipouder or Piepoudre Court; 287, 335.
 Pirates; 503.
 Pitt, Walter, petition of; 3.
 Platfoot, Alexander, trooper; 66.
 Plattin, lands of; 101.
 Playsted, Robert; 502.
 Plot, the Gunpowder; 204.
 Plowden, Francis, Lord Justice; 158, 171, 182, 509.
 Plummer, Richard; 508, 513.
 Plunket, Plunkett :
 family, account of; 111.
 Lord; 206.
 — his manuscript history called "Light to the Blind;" 107 *et seq.*
 Capt. Christ.; 111.
 — his capture of Newry; 127.
 Margaret; 111.
 Nicholas; 111, 361.
 Sir Nicholas, petition of; 3.
 — certificate of; 75.
 Oliver; 111, 341, 343, 344.
 — Abp., letters of; 360, 361, 362.
 Patrick; 361.
 Brigadier Patrick; 111.
 — project of; 166.
 — goes abroad; 180.
 Capt. Richard, killed at the Boyne; 135.
 Thomas, petition of; 47.
 Walter; 111.
 William; 361.
 Poer :
 John; 320.
 Myllon; 292, 293.
 Poitiers; 360.
 Pollexfen :
 Ensign; 73.
 Ensign James; 80.
 Polnestoly; 236.
 Ponsonby :
 Sir John; 26.
 — petition of; 84.
 Poole :
 Periam, petition of; 60.
 Thomas; 504, 508, 511, 513.
 Poore, Thomas; 56.
 Pope, the, payments to, 216.
 Pope :
 John; 293, 502.
 Patrique; 321.
 Porrachelyn; 213.
 Porter :
 Sir Charles, Lord Justice; 144, 173, 181.
 Mathew; 278.
 Thomas; 313.
 Portland :
 Earl of (1690), in Ireland; 130, 133.
 — (1691), his regiment; 148.

Portrane; 213.
 Portrathryn; 218.
 Portugal; 267, 313.
 Portumna; 153.
 taking of; 154.
 Potter:
 John, petition of; 6.
 William; 35, 78, 90.
 — petition of; 103.
 Poure, Walter; 46.
 Povey:
 John, Judge; 33, 35.
 — certificates of, 33, 106.
 — report by, 44.
 Powell, William, corporal; 35, 36.
 Power:
 Lord; 82.
 — agent general; 204.
 — (1669), Richard, petition of; 98.
 Arnold, petition of, 95.
 Christopher, petitions of; 40, 48.
 Milo, petition concerning; 3.
 Col. Milo; 39.
 — certificate of; 75.
 Peter; 279.
 Richard, petition of; 52.
 Poyntz, Sir Toby; 53.
 Pralin, Marquis de, at Cremona; 192.
 Pratt, Thomas, of Wicklow; 41.
 Preachers, Friars; 208.
 Precedence, order of; 493.
 Prelates, Roman Catholic; 341, 342.
 Prendergast, Col. Edmund, his cavalry;
 147.
 Prerogative Court; 374.
 Presbyterian party; 344, 357, 377.
 Preston:
 John, alderman of Dublin; 51.
 — petition of; 94.
 Price:
 Lieut. Edward, petition of; 97.
 John; 513.
 Prinne, John, petition of; 63.
 Priolo, Dame Frances Angelica; 186.
 Prior, Thomas; 29 *note*, 501.
 Prisage; 292.
 Prist, John; 56.
 Prittie, Peregrine; 74.
 Proctor, Rebecca, petition of; 73.
 Prode, Henry; 213.
 Propaganda, Collegium de; 362.
 Prous, John; 227.
 Pryke, John; 263.
 Pulein:
 Samuel, Abp. of Tuam, charges against;
 20-25.
 William and Frances, 21-23.
 Puller, Thomas, petition of; 36.
 Pursell:
 Major, killed; 154, 165.
 Colonel, of Loughmoe; 166.
 Col. Nicholas, agent to St. Germain;
 145.
 — his dragoons; 148.
 — commissioner; 173.
 Ran; 263.
 Thomas, petition of; 54.
 Purefoy, Arthur, petition of; 26.

Pursell, Edward; 56.
 Pyne, Lieut. Henry; 86
 Pynel, Robert; 213.
 Pyper, Colonel, a hostage; 166.

Q.

Quayage; 325.
 Queen's County, assizes for; 33.
 Quemerforde:
 Edward; 276.
 Fouque; 298, 314, 315, 321, 330, 331.
 George; 276, 324, 326.
 John; 276.
 Fitz Philip, Nicholas; 275, 276.
 Patrick; 275, 333.
 Philip; 274, 275.
 Quine, Turlagh, petition of; 5.
 Quireke, John; 457.
 Quit-Rents, Clerk of the; 515, 517.

R.

Radcliffe, George; 489.
 Radford, Stephen, death of; 67, 68.
 Ragulby; 234.
 Ragyde:
 Robert; 263.
 Simon; *ib*.
 Raine, Jeffrey; 56.
 Ramsey, Christopher; 39, 40.
 Ranelagh, Viscount (1668), Arthur, peti-
 tion of; 49.
 Rapharnum, Rathfarnam; 161.
 Rathbeath; 240.
 Rathcoole, Rathcul, &c.; 136, 213, 238.
 Ratheraig; 211.
 Rathdowny; 241.
 Rathelly; 32.
 Rathfernan; 216.
 Rathgarrow, tithes of; 25 *note*.
 Rathgraffaly, tithes of; 25 *note*.
 Rathill; 240.
 Rathlohan; 240.
 Rathmore; 213, 218.
 tithes of; 96.
 Rathmullan, co. Meath; 132.
 Rathpatrick, tithes of; 25 *note*.
 Ratoath, barony of; 77.
 Raven, Constantine; 80, 103.
 Rawdon, Sir George, his troop; 102.
 Rawleigh, Walter, plaintiff; 85, 88.
 Rawson, Capt. Gilbert; 50, 71.

- Rawsone, Luke; 469.
 Rayner, Robert, petition of; 51.
 Read :
 Henry, corporal; 87.
 James; 29 *note*.
 William; 50.
 Reading :
 Anne; 83.
 Robert; 48, 102.
 — grant to; 12.
 — bond by; 45.
 Rebels, killing of; 503.
 Red Book of the diocese of Ossory; 219, 220-222, 228, 238.
 Red Register Book of Waterford; 267.
 Redman, Col. Daniel, his troop; 31, 64, 95, 101.
 Regrating corn; 317.
 Religion, men and women of, to be sued; 304.
 Rely, Hugh, petition of; 9.
 Rennells, Mary, petition of; 91.
 Revell, Count de, governor of Cremona; 192.
 Revenue, Commissioners of; 514.
 Revett :
 John; 513.
 Richard; 519.
 Thomas; 503, 504, 507, 508, 510, 513.
 Rhine, the, war on; 198.
 Rice :
 James or Jeames; 272, 289, 290, 299, 304-326 *passim*.
 Pierce; 294.
 Stephen; 344, 360, 361, 362.
 Richard II.; 266, 269, 272, 292, 293, 380.
 Richard III.; 317, 380.
 Richardson :
 George, petition of; 100.
 Gilbert, petition of his widow Margaret; 42.
 Ricini, Abbe, envoy of Modena; 188.
 Ricio, Padre; 363.
 Rigby, Mr.; 117.
 Riky, Company of; 216.
 Rinuccini, Joannes Baptista, the nuncio; 342, 344, 346, 355, 375.
 Rippon, Erasmus, petition of; 80.
 Rivett, Richard; 518.
 Rivius, Doctor. *See* Ryves.
 Robert, John; 292.
 Roberts :
 Owen, petition of; 97.
 Richard, petition of; 9.
 — his horse; 30.
 Sarah, petition of; 50.
 William, killed; 81, 82.
 Robinson, William, certificate by; 4, 5.
 Robinstowne, lands in; 93.
 Rochelstowne; 32.
 Rochester, James II. at; 120, 121.
 Rochfort, Rotchfort, Robert; 513, 515, 516.
 Rock, Samuel; 49.
 Rockell, James; 330.
 Rodders; 311.
 Roe, Richard :
 killed; 2.
 charges against; 29.
 Roeche, Readmonde; 305.
 Roesse. *See* Ross.
 Rogers :
 Francis, petition of; 86.
 John, suit against; 51.
 — petition of; 73.
 — pseudonym of Plunket; 111.
 Thomas, soldier; 42.
 Rokeby, William; 223.
 Rolleston, Lieut. Francis, petition of; 102.
 Rome; 342-384 *passim*.
 Court at; 221.
 Irish College; 344.
 College of English Jesuits; 347.
 Ludovisian seminary; 343.
 Rony, James; 56.
 Rooney, Patrick, petition of; 5.
 Rooth :
 Edward, of Kilkenny; 67.
 Peter, his lands; 32.
 Rope :
 Patrick; 310, 312, 323.
 William; 297.
 Roper :
 Col. Christopher, his assignee; 13, 14.
 Richard, petition of; 4.
 Roscommon :
 excise duties in; 27.
 lands in; 52.
 Lord, his troop; 49, 89, 94.
 Rosconyl; 241.
 Roserea; 8.
 Rosen, General de; 128.
 Ross; 267, 272, 309, 330.
 sale of fish at; 275.
 Bishop of; 342, 346, 376.
 Rosse :
 Capt. William, petition of; 10.
 — his company; 97.
 Rossenan; 235.
 Rossnaree, on the Boyne, ford of; 133, 134.
 Rothe :
 David; 340, 343, 355.
 — letter of; 351, 352.
 Rotheram, Sir Thomas; 464, 466.
 Rotherhame, Rotherham, Thomas; 476, 480, 488, 491, 493.
 Roure, the; 325.
 Row, Richard; 15.
 Rowland :
 Arthur, trooper; 53.
 — petition of; 75, 76.
 Rowlandson, Joshua, petitions of; 21, 53.
 Rowyr, church of; 226, 228, 236.
 Royden, Major, complaint against his troopers; 99.
 Ruffus, Nicholas; 219.
 Rumney, Elizabeth; 68.
 Russell :
 Nicholas; 214.
 Theodore; 504-507, 513.
 Ruth, Brigadier; 180.

Ruthorne, Joseph; 51.

Ravigny:

Marquis de; 182.

Henri de Massue de; 511.

Ruyl, John; 293.

Ryan, James; 509.

Rys, Philip son of; 211.

Ryswick, peace of; 190, 191.

Rykyll, John; 292, 293.

Ryves, Thomas; 374.

S.

Sacrifice of Abraham, the ship; 38.

Saddlers; 272.

Sadler, Colonel; 31.

St. Augustin; 492.

St. Augustin's Abbey; 492.

St. Blasius; 320.

St. Canice, church of; 220, 229, 230, 232.

St. Celsus; 345, 367.

St. Clara, Abbess of; 498.

St. Cloud, palace of; 184.

St. Feighan, tithes of; 25 *note*.

St. Francis Abbey; 388, 492, 494.

St. George:

Arthur; 507.

— and Henry, petition of; 89.

George; 513.

Sir George; 14, 15, 28.

— his troop; 36, 64.

Oliver; 503, 507.

Sir Oliver; 49, 50, 51.

— his troop; 73, 76, 90, 101.

— petitions of; 98, 100.

Richard; 512.

St. Germain-en-Laie; 341, 364.

James II. at; 136, 154, 182 *et seq.*, 204.

James III. proclaimed at; 190.

agents sent to; 145.

St. James's chapel, Waterford; 276.

St. John:

of Jerusalem; 271, 304, 314.

— Prior of; 215.

Oliver; 347, 463, 464.

St. Katherine's, Prior of; 314.

St. Leger, Col. Heyward, his company;
54, 73, 78, 94.

Saint Loe, William; 271.

St. Malachy; 345, 367.

St. Malo; 340.

St. Martin:

church of; 238.

Richard de; 215, 216.

St. Mary's Abbey, Dublin; 314.

Saint Michel, David de, and Agatha his
wife; 213.

St. Mullins; 272.

St. Nicholas:

church of, Dublin; 218.

— Galway; 511, 513.

College, Galway; 381, 382, 410.

St. Otheran; 324.

St. Patrick's, Canon of, Ralph; 207.

St. Paul, John de; 223.

St. Ruth:

General or Marquis of, at the battle
of Aughrim; 147 *et seq.*

— death of; 150.

St. Saviour's chapel, Waterford; 276.

Salamanca:

Irish College at; 342, 345.

— regulations of; 368 *et seq.*

Salisbury; 123.

James II. at; 201.

Earl of; 345.

Salt, sale of; 296.

Salter, William, petition of; 50.

Salu Salmonis, de; 218.

Sampson, Anthony, of Wicklow; 41.

Sancino, Cyno son of James de; 216.

Sanders:

Dr., his Life of Queen Elizabeth; 117,

Father, with James II.; 182, 183.

Stephen, trooper; 100.

Sandford:

Fulco de; 205, 207.

Robert, petition of; 1.

Capt. Theophilus; 30.

Sandon, Thomas and Mary; 80.

Sandys, Col. Robert, petition of; 69.

Santry:

Lord, Chief Justice of Ireland,
(1666); 2, 16, 64.

report by; 42.

Saracens; 230.

Sarlock, Geo.; 56.

Sarsfield:

Colonel, in Ireland; 131, 134.

General, at Limerick; 140, 142.

— his exploit at Ballinedy; 142.

— made Earl of Lucan; 143.

— his siege of Byrr castle; 145.

— at Aughrim; 147.

Dominic; 349.

Sauage, Hugh; 263.

Savinion, Peter; 9.

Savoy:

Eugene of; 518.

Duke of (1713); 199.

Sawters, Myllon; 297.

Scarampi, Scairampus, Pietro Francesco;
270, 279.

Scarborough, Earl of (1690); 130.

Scattery, French fleet at; 181.

Schardelowe, Robert de; 217.

Schomberg:

Count and Marshal, in Ireland; 126 *et
seq.*, 146.

Clonmel taken by; 138.

his horse; 139.

his son; 133.

death and burial of; 134, 135.

Seobach; 211.

Scotland; 344, 357, 364.

Seots:

war of the; 225, 234.

— manors wasted by; 233.

Mary Queen of; 345, 364, 365.

- Scravenmore, Major-Gen., in Ireland; 130, 146, 165.
 Sebaste; 320.
 Seele, Dr. Thomas; 96, 97, 104.
 Segrave, Patrick, petition of; 61.
 Semper:
 James; 468, 469.
 Thomas; 502.
 Seneca, extracts from; 221.
 Seriant, Philip; 303.
 Serman, Hen.; 263.
 Sernesfeld, Walter de; 211.
 Sethby, Roger, of Wicklow; 41.
 Settlement, Act of; 512, 515, 516.
 Seville; 347.
 Shadwell, John; 502, 503.
 Shagnashy, Edmond; 498.
 Shalwey, John; 314, 322.
 Shane or Shaen:
 Sir James; 16.
 — petition of; 12, 61.
 Shannon:
 the, bridging of; 162.
 Viscount (1667), petition of; 46.
 — (1668), his troop; 51, 61, 66, 77, 80, 84.
 Sharland, Capt., of the Mary; 10.
 Shaw:
 Captain; 75.
 Fielding; 512.
 John; 56.
 Robert; 505-518 *passim*.
 Shea, Robert, his lands; 32.
 Sheethe, Thomas; 316.
 Sheldon, Major-General:
 at Limerick; 142.
 at Aughrim; 148, 151, 166.
 goes abroad; 180.
 his cavalry; 163.
 Shenton, Alexander, trooper; 78.
 Shephard:
 John, petition of; 69.
 — and Frances, petition of; 66.
 Sheppard, John; 78.
 Shereman; 318.
 Sheridan, William; 25 *note*.
 Sherlock, Sherloke:
 Bartholomew; 279.
 Christopher; 278.
 Edmund; 270.
 Edward; 273.
 George; 273, 276, 277, 326.
 James; 273-279, 308, 312, 322, 324, 327.
 Fitz James, James; 279.
 Fitz John, James; 275, 276, 279.
 Fitz Thomas, James; 275.
 John; 272-274, 278, 298.
 Patrick; 273.
 Paul; 276-279.
 Peter; 275.
 Thomas; 273, 274.
 Sir Thomas; 278.
 Walter; 276, 277.
 Shermen; 273.
 Sherwood Park; 35, 66.
 Shethe, Thomas; 321, 322.
 Shirley, James; 75.
 Shoemakers; 272, 320.
 Corporation of, in Dublin; 28, 29.
 Short:
 Christopher, trooper; 64.
 John; 29 *note*.
 — soldier; 77.
 Shortall:
 Leonard, Robert, and Thomas, their lands; 32.
 Robert and Pierce, petition of; 37.
 Shorthaleston; 235.
 Sibyl, verses on; 221.
 Sicklemore, John, of Wicklow; 41.
 Sidney:
 Lord (1690); 130.
 Lord Justice; 144.
 Siller; 225.
 deanery of; 238, 239.
 Simcockes, Symcock, Samuel; 511, 512, 513.
 Thomas; 505, 506, 508, 510, 513.
 William; 329.
 Simnel, Lambert; 269.
 Simpson, Francis; 73.
 petition of; 31.
 Skerrett:
 Domnicke; 492.
 Edmond; 493, 509.
 George; 406.
 Jamys; 395, 404-413.
 John; 385, 431, 453, 460, 461.
 Nicholas; 441.
 Richard; 456.
 Robert; 431.
 Ronalde; 455.
 Rowland; 421, 450, 453, 456, 457, 458.
 Thomas; 441, 458.
 Walter; 404, 411.
 William; 388, 407, 409, 415-419, 452.
 Skiddy, John; 272, 278.
 Slane:
 Baron of, petition of; 81.
 — a prisoner; 179.
 Lord of, a prisoner; 154.
 Bridge of; 132, 133.
 Slefardach; 213.
 Sleuardach; 213, 214.
 Slewmary barony, Queen's Co.; 28, 29.
 Slieveardagh; 213.
 Sligo; 157.
 lands in; 52.
 Sheriff of; 76.
 capture of; 164.
 fort, building of; 76.
 Sloughteteggard; 413.
 Sly, Stephen, petitions of; 89, 103.
 Smallwood, James; 81.
 Smith:
 Captain, killed; 144.
 Erasmus, petition of; 44.
 Galf; 263.
 alias Gowen, John; 26.
 Michael, petition of; 35, 66.
 Richard, of Wicklow; 41.
 Capt. Richard; 36.
 — petition of; 55.
 Roger; 83.
 Thomas; 31.

- Snell, Thomas; 227, 228.
 Sollom, David, petition of; 66.
 Solmes, Count de, in Ireland; 130, 144, 145.
 Somerset, Lord John; 270, 279, 343, 354.
 Sorbonne, doctrines of; 342.
 Sorcery, prosecution for; 220.
 Spain; 267, 270, 346, 376, 377, 408, 426, 428.
 Court of; 343, 347.
 Ambassador from; 343.
 Legate of; 350.
 Queen Anne's operations against; 197 *et seq.*
 Speed, William; 502.
 Spencer:
 John; 502, 503.
 Col. John, petition of; 43.
 Spennse, Walter; 292.
 Spike, William, petition of; 1.
 Spitill housse; 396.
 Spotten, John; 34.
 Sprigge, William; 503-507, 513.
 Sprot, Adam; 263.
 Squire, George, petition of; 67.
 Stachfthenan; 215.
 Stachgunnild, market at; 210.
 Stafen; 239.
 Staffarde, Maurice; 264.
 Stafford, Dean Alexius, killed at Aughrim; 154.
 Stagcloch; 212.
 Stagunynyge; 210.
 Stamacarthy; 234.
 Stampe, Timothy, charge against; 65.
 answer of; 66.
 Standish, —, of Dublin; 13.
 Stanihurst, Richard; 222, 268.
 Stanley:
 James, of Wicklow; 41.
 Cornet Michael; 42.
 Stanton:
 George; 508.
 John; 513, 518.
 Thomas; 505, 507, 509, 512, 513, 517.
 Staple, the:
 court of the King; 296.
 admission to; 306.
 constables of; 282, 332, 493, 502, 513.
 Marshal of; 284.
 Mayor of; 493, 501, 502, 507, 513.
 Stapleton, Col., deputy-governor of Limerick; 165.
 Staremborg, Count, his blockade of Girona; 200.
 Staunton:
 George; 519.
 John; 518, 519.
 Stearne, John; 224.
 Steele, Richard, plaintiff; 85, 88.
 Steplen, Sir John, his company; 73.
 Stephens:
 John, petition of; 69.
 Sir John; 5, 6, 8.
 — Major; 83.
 — certificate by; 87.
 Sterling:
 Lady; 91.
 Andrew, petition of; 84.
 — charge against; 101.
 Hugh, petition of; 98.
 Jane, widow of Sir Robert, petition of; 19.
 Sterne, Robert, lands of; 93.
 Stewart:
 Lieut.-Col. George, his relict; 89.
 Lieut.-Col. George; 78.
 Stocard, Roger; 215.
 Stockdell, John, soldier; 42.
 Stokes, John, soldier; 42.
 Stockton:
 Capt. John; 14.
 Thomas, judge, certificates of; 19, 64, 65, 68.
 — report by; 42.
 Stonyhurst College; 340.
 Stotesbury, Lieut. Henry, petition of; 39.
 Stoughton:
 Ensign; 50.
 George, petition of; 45.
 Ensign John; 34.
 Stowell, Anthony, petition of; 73.
 Strabo, lands called; 211.
 Straffen, tithes of; 77.
 Strafford, Earl of (1669), petitions of; 91, 94.
 Strange:
 Nicholas; 278.
 Paul; 276.
 Richard; 272, 275, 276, 278.
 Robert; 277.
 Solomon; *ib.*
 Thomas; *ib.*
 Stritch, Captain, killed at Cavan; 129.
 Strong, Stronge:
 Nicholas; 329.
 Peter; 274.
 Pierce; 295.
 Richard; 308, 310, 312, 317.
 Robert; 270, 273.
 Strongbow; 205.
 Stuart, Brigadier, at Limerick; 143.
 Stubbard, Peeter; 501.
 Stubber, Edward; 507, 513.
 — petition of; 73.
 Suilemore, John, portreeve of Wicklow; 49.
 Summers, William; 86.
 Supple, Lieut. William; 31, 73, 82.
 Supremacy, oath of; 43, 381, 462, 463, 481.
 Surr, William, of Wicklow; 41.
 Surrey; 209.
 Sutherland, Colonel, his regiment; 134.
 Swaile, Mary, petition of; 69.
 Swan, Robert, petition of; 69.
 Swanly, Richard; 492.
 Swanton, James, petition of; 75.
 Sweeting, George, petition of; 73.
 Swinhoe, Capt. Gilbert, his troop; 68, 75, 76, 86.
 Swords, Swerdis; 214, 217, 218.
 vicar of the church; 216.
 fairs at; 209.
 Sydenham, Col. Humphrey, his company; 67.

Synicius, letter of; 216.
 Synot, Walter; 304.
 Syrlok, Walter; 228.

T.

Taaffe, Count, succeeds his brother; 135.
 Tachnehy or Taney; 218.
 Tailleburgh, John, and Margaret his wife;
 214.
 Taillour, Thomas; 263.
 Tailors; 272, 337, 338.
 Talbot:

Lady Charlotte; 158.
 William; *ib.*
 Col. James, killed; 154.
 Monsignore; 361, 362.
 Peter; 341, 343, 344, 361.
 — letters of; 356, 358, 363.
 Sir Robert, petition of; 3.
 — certificate of; 75.

Tallaght. *See* Taulacht.

Tallard, Marshal; 518.

Talmash, Major-Gen., in Ireland; 130,
 165.

Tampleogue; 154.

Tanner, James, petition of; 6, 7.

Tany, William; 263.

Tascohyn; 238.

Taulacht; 213, 214, 216.

Taxation:

of Bishopric of Ossory; 224, 225,
 227, 234.
 of deaneries; 228.

Taylor:

George; 95.
 Capt. Randolph, petition of; 55.
 Capt. Robert, petition of; 61.
 — debt of; 63.
 Corporal Robert; 68.
 Thomas, petition of; 10.
 — allotment to; 11.
 — certificate by; 29 *note*, 30, 93.
 William, petition of; 1.

Teadmore rectory; 97.

Teddar, Mr., surgeon; 16.

Teige, Clan; 424, 425, 426.

Teigh, Alderman, of Dublin; 30.

Telltowne; 47.

Templars; 208, 216.

Temple, Sir John; 50.

Tennant, Robert, petition of; 80.

Tente wine; 428.

Tenths in Ireland; 216.

Tesellers; 218.

Tessé, Lieut.-Gen. de; 147, 171.

Tewkesbury, Priors of; 206.

Thacnehy; 211.

Theorcius; 222.

Thewer, Henry, petition of; 56.

Tholsel. *See* Tolsell.

Thomas:

Richard; 508, 513.

Cornet Rowland; 42.

Thomastown; 227, 235, 272.

Thomlinson, Richard, trooper; 100.

Thomond, Earl of:

petitions of (1668); 78, 96.

order on his petition; 83.

Donatus O'Brien; 464.

Thompson:

Honora, lands of; 93.

Richard; 514, 515, 517.

Samuel, petition of; 3.

Thorpe, John, petition of; 78.

Tichborne:

Sir Henry; 5, 6.

— marshal of the army in Ireland;

36, 37.

— his troop; 101.

Sir William, petitions of; 36, 38.

— his troop; 58.

Tiffin, Colonel:

in Byrr castle; 145.

a hostage; 166.

Tilach; 213.

Tillson:

Thomas, agent for forfeited bonds;
 67, 68.

— order to; 67.

Tilly, Prince Serclas; 200.

Timolin, co. Kildare, tithes of; 96, 104.

Tintern, Abbot of; 207, 314.

Tipperary; 207, 213, 268, 308.

excise farmers of; 6, 7.

lands in; 9, 42.

assizes for; 55.

English army at; 145.

Tippin, Gaven, robbery of; 72.

Tipping, Klizabeth; 77.

Tir meice i, lands called; 211.

Tirconnell, Earl of:

(1636), O'Donnell; 343.

Rory O'Donnell; 354.

Albert Hugh O'Donnell, letter of;
 354.

See Tyrconnell.

Tirrell, Edward; 270, 279.

Tithes; 403.

Tobyn, James; 74.

Todderick, Edmund; 95.

deposition by; 96.

Tolsell, Galway; 385, 434, 435, 437, 452,
 457, 459, *et seq.*

Tompson, Robert, petitions of; 74.

Tomson, Luke, petition of; 71.

Tories:

Irish; 39, 55, 88.

killing of; 503.

Torre, Diego de la; 270.

Torrington, Earl of (1691); 146.

Toughatye parish; 97.

Toule, Patrick, of Pimlico; 91.

Tourney, Emor; 16.

Tourville, Admiral; 170.

Toxteth, William, petition of; 78.

Trahern, Major, killed; 129.

Transplantation of Irish; 346, 377, 378.

Treaty of Limerick; 172-179.

Tredynston; 238.
 Tregeon, Sir Francis; 117.
 Trehy. *See* O'Trehie.
 Trelawney, Brigadier:
 his foot; 139.
 his regiment; 146.
 Trench, R. C., Archbishop; 206.
 Treswell, Sir Daniel; 66, 83.
 his Battleaxes; 30, 31, 102-104.
 Trevennor, Thomas; 294.
 Trevor, Edward, trooper; 80, 103.
 Trim:
 church of; 210.
 gaol; 26.
 assizes; 26, 46.
 prisoners at; 36.
 vicar of; 95.
 Trimleston, Lord (1691), a hostage; 168.
 Tristildermod; 213, 218.
 Tromra; 424.
 Trowmor castle; 425.
 Trussell, villa; 213-215.
 Tuam:
 See of; 20, 21, 515, 516.
 Archbishop of; 343, 346, 355, 375,
 376, 387, 463, 507, 512, 515, 516.
 — (1667), his case with Henry
 Bankes; 20-25.
 Tuckers, guild of; 273.
 Tuedy, Patrick, trooper; 50.
 Tuit:
 Richard del; 209.
 Walter, petition of; 92, 93.
 William, petition of; 34.
 Tuke, Francis, petition of; 74.
 Tuksbury, William, senior and junior; 84.
 Tullabane Temple; 96.
 Tulley, Conly and Marcus; 494.
 Turlaghe; 470.
 Turvie; 216.
 Tute, Brigadier, a prisoner; 154.
 Tuthill, John, petitions of; 7, 9, 34.
 Tweedy, Patrick, petition of; 77.
 Twitty, Charles De, petition of; 76.
 Tybritbrytayne; 239.
 Tylabrog; 238.
 Tylagh; 237.
 Tylahany; 239.
 Typerkevin; 213.
 Tyrconnell:
 Earl or Duke of, James II.'s letter
 to; 123.
 — at the battle of the Boyne; 133-
 135.
 — James II.'s authority to; 136.
 — at Limerick; 139.
 — his reasons for wishing peace;
 140.
 — at Galway; 142.
 — at Galway and Limerick; 145.
 — desire for peace; 147.
 — his counsels disregarded; *ib.*
 — his proceedings after the battle
 of Aughrim; 154, 156 *et seq.*
 — death of; 158.
 — his character; 158, 159.
 O'Donnel, Earl of, account of; 155.

Tyrconnell—*cont.*
 Albert O'Donnell, Earl of; 341.
 See Tircconnell.
 Tyrell:
 Hugh; 205, 213.
 Hugo; 218.
 Richard; 210, 218.
 Tyrone:
 gaol of; 47.
 county, lands in; 68.
 Earl of (1691), in the Tower; 146.
 — (1691), a prisoner; 179.
 — Hugh O'Neill; 345, 374.
 Tyther, Thomas, petition of; 63.

U.

Ulstadius; 222.
 Ulster; 345.
 hearth money; 74.
 frontiers of; 127, 128.
 Marshal Schomberg in; 129, 130.
 priests of; 223.
 Earl of; 374.
 Urban IV., Pope; 205, 208.
 Urny, tithes of; 25 *note*.
 Ussher, James, Primate of Ireland; 204,
 205.
 Usson, Marquis d', in Galway; 147.
 Utothail, Laurentius; 211.
 Utrecht, treaty of; 199-200.

V.

Valladolid; 360.
 Valle Salutis, Monastery de; 207.
 Valognes, Hamon de; 205.
 Van Hugareden, Abraham; 86.
 Vaughan:
 Captain; 164.
 Abraham, petition of his widow Ann;
 64.
 John, 502-508 *passim*.
 William, of Clonmel; 56, 58.
 Vease, Benjamin; 502.
 Veel, Edward and John; 83.
 Vendome:
 Duc de; 192.
 — in Italy; 198, 199.
 Venice; 341-343.
 Verdier, M.; 341, 343, 344, 355, 356.
 Verschoyle, Henry, petition of; 55.
 Vesey, John; 507.
 Vestments; 221.
 compact relative to; 262.
 Vetitum namium; 259.
 Vicars, Serjeant Nicholas; 49.
 Vice, John, of Wicklow; 41.

Vigers, William, petition of; 9.
 Vigie, James Ribett; 511, 513, 518.
 Villeroy, Marshal, his defence of Cremona; 192.
 Vitelleschi, Muzio; 340, 346-352 *passim*.
 Vizard, Alderman, of Dublin; 30.
 Vulgate, the; 204.

W.

Wadding:

Maurice; 329.
 Paul; 279.
 Richard; 277.
 Thomas; 276.
 Walter; 316.

Wade, Henry, petition of; 26.

Wadington, Henry; 503, 507.

Wadyng, Walter; 322.

Walcott, Walcot, Richard; 502, 503.

Walding, Thomas, petition of; 51.

Waldron, Thomas, petition of; 40.

Wale, Walter; 352.

Walensis:

Michael; 214.
 Villa; 218.

Wales; 267, 288, 305, 321.

Waley. *See* Whaley.

Walker:

Dr., minister, killed on the Boyne; 135.
 Jonas, farmer of excise; 46.
 Peter; 29 *note*, 30.
 — petition of; 45.

Wall building, certificate concerning; 4.

Wall:

Mark; 518.
 Richard; 506, 507, 510, 513, 519.

Waller, John; 56.

Wallis, Gerald; 15.

Walsh:

David; 274, 277.
 Edward; 275.
 Henry; 273, 274, 327.
 James; 273, 274, 277, 278, 279, 333.
 Fitz-Martyn, James; 277.
 Fitz-Robert, James; 275.
 John; 279.
 — his executor; 91.
 Pakenham; 219.
 Patrick; 275, 327.
 Peter; 274, 275.
 Richard; 317, 321, 325, 327.
 Robert, his lands; 32.
 — petition of; 91.
 Sir Robert; 50.
 — complaint against; 52.
 Robert; 270, 273, 274, 276, 277, 302, 308, 333.
 Sir Robert; 279.
 Fitz James, Robert; 276.
 Fitz Peter, Robert; 275.

Walsh—*cont.*

Thomas; 276, 341, 343.
 — letter of; 352, 375.
 Walter; 223.
 — petition of; 66.

Walters:

Col. George, petition of; 48.
 John; 56.

Wapoole, John; 91.

Warbeck, Perkin; 269.

Warde:

Peter, petition of; 54.
 Richard, petition of; 103.

Wards, Court of; 348.

Ware, Sir James; 1, 5, 205.

— Auditor-General; 13, 14.
 James, his daughter Mary abducted; 50, 75.

Warner, Robert; 502, 503.

Warren:

Andrew; 446.
 John, petition of; 83.
 Robert, trooper; 103.
 William, of Wicklow; 41.

Warter, Gamaliell, collector; 8.

Warwick, William, trooper; *ib.*

Waspayl, William de, and Emma, his wife; 213-215.

Waterford:

city of; 208, 227, 360, 373, 410.
 soldiers quartered at; 26.
 garrison at; 50.
 surrender of; 138, 139.
 William III. at; 144.
 archives of Corporation of; 265 *et seq.*
 rights and privileges of the citizens of; 265.
 captured by the Anglo-Norman adventurers; *ib.*
 charters to; 265, 266, 269, 275, 276.
 mayor of; 265, 270 *et seq.*
 — manner of election; 272, 280, 293.
 visit of Richard II. to; 266.
 sketch of buildings at; 266.
 ancient Irish name, Portlairge; 266.
 election of mayor, &c.; 266, 267.
 customs, &c., levied at; *ib.*
 assise of bread; 266, 272, 290, 291.
 bailiffs of; 273 *et seq.*
 gates of the quays to be shut; 267.
 trade at; 267.
 franchise of city of; 267.
 citizens to have armour; 267.
 Acts of the Corporation; 267.
 memorandum book called the Common Paper; 267, 272.
 Red Register book; 267.
 the citizens and Irish people; 268.
 foreigners dwelling in; 268.
 rugs; 268.
 Norse settlers; 269.
 expedition of Richard II. to; 269.
 Urbs Intacta; 269.
 Camera Regis; 269.

Waterford—*cont.*

occupied by the Irish confederates ; 269.
 besieged by Oliver Cromwell ; 270.
 Parchment Book of ; *ib.*
 Register Book of ; *ib.*
 Gray Freres in ; *ib.*
 St. John's, near ; 270, 271.
 petition from ; 271.
 grant to mayor, &c. ; 272.
 permission to appoint two commissioners, &c. ; *ib.*
 excessive fees taken by water bailiff ; *ib.*
 fee, &c. of city courts ; *ib.*
 murage at ; 267.
 — and ancient customs ; 272, 289, 303.
 sheriffs of ; 272, 275 *et seq.*
 the Dernihundred of ; 273–337 *passim.*
 guilds ; 272, 273.
 Liber primus, first book of Acts and Statutes of ; 273 *et seq.*
 oath of the crafts of ; 274.
 oath of the wards and subwards of ; *ib.*
 Liber secundus, second book of Acts, &c. ; 275 *et seq.*
 ancient customs in ; 275.
 fish, sale of ; *ib.*
 the mayor, admiral of the port ; *ib.*
 rental of lands belonging to ; 276.
 lease of lands in ; *ib.*
 farms, &c. given out by the mayor and commons of ; 278.
 lands, &c. set by ; *ib.*
 architects of the seven companies of ; 279.
 oath of the mayor ; 281.
 — sheriffs ; 282, 286.
 — bailiff-receiver ; 283.
 — recorder ; *ib.*
 — four sergeants ; *ib.*
 — water bailiff ; *ib.*
 — gaolers ; 284.
 — council ; *ib.*
 — porters of the gates ; *ib.*
 — water bailiff at Passage ; 285.
 — freemen ; *ib.*
 — constables ; 284.
 — measurers ; *ib.*
 — porters ; *ib.*
 clerk of the market ; 282.
 constables of the Staple ; *ib.*
 marshal of the Staple ; 284.
 customs and anchorage ; 285.
 fees and ameracements in the city courts ; 286, 287.
 Court of Piepoudre ; 287, 335.
 Court of the Staple ; 287.
 court-market ; *ib.*
 fees of the recorder, water bailiff, &c. ; 288.
 fees of officials of ; 286.
 Guildhall of ; 292, 315.
 cockett ; 310, 321.
 market cross ; 312.
 King's ditches ; *ib.*

Waterford—*cont.*

Arondelis gate ; 312.
 King's shambles ; *ib.*
 St. John of ; 314.
 St. Katherine's grange ; 279.
 — prior of ; 226.
 Trinity Church ; 314, 315, 317, 320.
 Cathedral of the Blessed Trinity ; 278.
 St. Stephen's ; 314.
 Christ Church ; 325.
 Bothstrete ; 329.
 St. Olave's parish ; *ib.*
 concealing a Florentine's goods ; 330.
 breaking the mayor's safe-conduct ; *ib.*
 wine bought against the liberty of ; *ib.*
 affray before the mayor ; 331.
 drinking in Lenten time ; 332.
 ancient customs in ; 333.
 attire at, act relative to ; 336.
 Cogg, lordship of ; *ib.*
 — election of the lord of ; *ib.*
 — reformation of ; 327.
 Guilds, incorporation of ; 337 *et seq.*
 tailors of ; 337, 338.
 Waterford: ACTS AND STATUTES :
 Acts and Statutes of the City of ; 291 *et seq.*
 — wine, broaching and sale of ; 292.
 — wine or merchandise, purchase or sale of ; *ib.*
 — hogs, sows, &c. within the city ; 292, 310.
 — calling a citizen an Yrishman ; 292.
 — messuages and shops in ; *ib.*
 — freedom of the city ; 293, 294, 297, 300.
 — actions and complaints ; 293.
 — merchandise of an Ydelman ; *ib.*
 — no priest to have wife or concubine ; *ib.*
 — the mayor not to pardon ameracements of bread, ale, watch, &c. ; 294.
 — trespass or forly any freeman's daughter ; *ib.*
 — trespass or lyby any nourse or apprentice ; *ib.*
 — plaints, delays on ; *ib.*
 — actions of debt ; *ib.*
 — one citizen accusing another ; *ib.*
 — debt, maintaining, &c., a fugitive for ; 295.
 — no citizen to buy wheat by his concubine ; *ib.*
 — merchandise coming into, the mayor and bailiffs to be common buyers ; *ib.*
 — defrauding the courts of ; *ib.*
 — sale of salt, &c. ; 296.
 — the King's custom ; *ib.*

Waterford : ACTS AND STATUTES—*cont.*

- sending a stranger's merchandise out of ; 296.
- sending merchandise in ship or boat ; *ib.*
- masters of boats ; *ib.*
- oblations ; *ib.*
- freeman or denizen not paying for goods brought from a stranger ; *ib.*
- every man that will age another ; 297.
- selling goods by or for a stranger to a stranger ; *ib.*
- maintaining a stranger in any action ; *ib.*
- no citizen to receive strangers in pledge ; *ib.*
- covenant, trespass, and account ; 298.
- maintaining a fugitive for debt ; *ib.*
- arrest within the city or suburbs ; *ib.*
- freemen being within the church and churchyard to be free, &c. ; *ib.*
- taking merchandise into any country at war with ; *ib.*
- any man receiving hurt by any man of Kilkenny, &c. ; 299.
- freemen's wives ; *ib.*
- — adultery by ; *ib.*
- foreynes and servants dwelling within ; *ib.*
- masters of woodboates and boatmen ; *ib.*
- no manere of men to be receivid sensers ; *ib.*
- men of Irish blood and the freedom of ; *ib.*
- apprentices and hirelings ; 300.
- no woman should touke (dye) within ; *ib.*
- sale of wine, iron, &c. by any forayne or stranger ; 301.
- ships of aliens or the King's enemies ; *ib.*
- salt and corn that should long to the shifte of the communes ; *ib.*
- action by citizens against citizens or strangers ; 301, 304, 305.
- writs of error, &c. ; 302.
- selling boards, iron, &c. to the men of Kilkenny, &c. ; *ib.*
- no carpenter to make boats, &c. ; *ib.*
- men of the county, unkindness with ; *ib.*
- victuals to be sold in the market place only ; 303.
- franchise of the city for apprentices, foreigners, and denizens ; *ib.*
- franchise of, and men of Irish rule ; *ib.*
- sensers free to pass the sea ; *ib.*
- men and women of religion to be sued ; 304.
- women (married) to be sued ; *ib.*

Waterford : ACTS AND STATUTES—*cont.*

- franchise of, and aliens ; 305, 307.
- members of the Council and juries ; 305.
- leases of the city lands ; *ib.*
- sale of fresh fish forbidden to strangers ; *ib.*
- affrays in ; 306, 307.
- Staple, the, admission to ; 306.
- — hides within the jurisdiction of ; *ib.*
- a citizen killing any man ; *ib.*
- fostering children (Irish) ; 307.
- fornication by the widow or daughter of a citizen ; *ib.*
- citizens to possess arms ; 308.
- actions by any marchour ; *ib.*
- purchase of protections against actions ; *ib.*
- persons bound on a voyage not to be arrested ; 309.
- citizens shunning attachment or arrest ; *ib.*
- debts by citizens to any burgess of Kilkenny, &c. ; *ib.*
- wife to be arrested for her husband ; *ib.*
- merchandise purchased by citizens on sea or in strange lands ; 309, 310.
- swine within the city ; 310.
- vigilator or wakman's salary ; *ib.*
- taking away a child without leave of parents or master ; 311.
- insurrections or risings against the mayor, &c. ; *ib.*
- gates on the quays to be shut ; 312.
- no dung or filth to be put in the river, &c. ; *ib.*
- corn, price of, and the mayor ; *ib.*
- flesh, sale of, and the King's shambles ; *ib.*
- mayor, bailiffs, recorder, &c., going on voyages ; 313.
- quays of the city, owners of ; 313.
- resumption of lands, &c. within the franchise of ; 314.
- alienation or sale of arms ; 315.
- freemen not to dwell without ; 315.
- repair of gutters ; 316.
- measurers and gatherers of the payment ; 317.
- buying and regrating the market of corn ; *ib.*
- mustering the people ; *ib.*
- taking pledge or distress, &c. ; *ib.*
- graves within Trinity Church ; *ib.*
- breaking glass windows ; 318.
- fryse or mantill, sale of ; *ib.*
- hides and frieze, purchase of ; *ib.*
- butchers and the sale of rudders ; 319

Waterford : ACTS AND STATUTES—*cont.*

- craft of webbers or weavers ; 319.
- craft of shoemakers or cordoners ; 320.
- selling or lending to any nation at war or at any distance from ; 321.
- Dernhundred, bill of supplication to ; *ib.*
- shipping goods and being partners with strangers ; 321.
- selling merchandise to strangers ; 321, 323.
- customs on foreign goods ; 321.
- foreigners to wear English array ; 322.
- letting houses to foreigners ; *ib.*
- actions by foreign attachment ; *ib.*
- cooks selling raw flesh ; *ib.*
- carpenters, masons, &c. ; *ib.*
- Irish tongue in court ; 323.
- purchase of goods from foreign ships ; *ib.*
- candles for St. Othoran (Odran) ; 324.
- drinkings, those to come to the ; *ib.*
- nets ; *ib.*
- fair court ; profits of ; *ib.*
- keeping merchants over forty days ; *ib.*
- freemen not keeping a household in ; *ib.*
- foreigners and the carriage of goods over sea ; 325.
- God's penny from ships ; *ib.*
- boats bringing wood ; *ib.*
- taking of principals (heirlooms) ; *ib.*
- quayage, exacting ; *ib.*
- lading wool ; 326.
- aliens at fairs ; *ib.*
- buying at fairs for aliens ; *ib.*
- goods to await upon dearth ; *ib.*
- flocks and wax ; 327.
- hides, price of ; *ib.*
- wines, retailing and broaching ; *ib.*
- merchandise and mariner portages coming in any ship ; *ib.*
- writs relative to causes in the city courts ; 328.
- merchant chapel in the cathedral ; *ib.*
- sale of bonds, or of cause of action ; 329.
- suing in court for any prize-money ; *ib.*
- Ancient customs : mayor and bailiffs to remain in ; 333.
- pleas in any of the courts of the city ; *ib.*
- farms within the city ; *ib.*
- wives to have a third ; *ib.*
- pleas and causes between the inhabitants 334.
- distraint for rent ; *ib.*
- the mayor's share ; *ib.*

Waterford : Ancient Customs—*cont.*

- widows and the freedom ; 334.
- debtor's goods ; *ib.*
- actions and arrest of party ; *ib.*
- defendant's time to answer ; 335.
- passage in the ferry boat ; *ib.*
- actions of account ; *ib.*
- attached to any of the courts ; *ib.*
- sureties of one arrested ; *ib.*
- citizens to aid in arresting ; *ib.*
- defendant on a nihil dicit ; *ib.*
- Court Baron ; *ib.*
- binding apprentice ; *ib.*
- election of surveyors ; *ib.*
- affrays ; 336.
- tenants at will ; *ib.*
- county ; 278, 285, 299, 302, 318.
- land in ; 272.
- Bishop of ; 208, 215, 217, 278, 375.
- Archdeacon of ; 208.
- Dean and Archdeacon of ; 208, 278, 298.
- Watson, Christopher, his death ; 117.
- Wauchop :
 - Brigadier ; 166.
 - at Limerick ; 142.
- Wayt, Thomas, of Wicklow ; 41.
- Webb :
 - Capt. Henry, petition and order concerning ; 76, 77.
 - William, claim against ; 76.
 - petition of ; 77.
- Webbers ; 319.
- Welbancke, Mary and Ralph ; 84.
- Wells :
 - Sarah, petition of ; 6.
 - charge against ; 17-19.
 - William, murder of ; *ib.*
- Welsh :
 - John, of Pilltown ; 146.
 - Mark, petition of ; 101.
 - Robert ; 277.
- Weneval, William de ; 271.
- Wesley, Garret, petition of ; 26.
- Westby, Dr. John, auditor ; 12.
- Westley, J., deposition before ; 96.
- Westmeath :
 - impropriate tithes in ; 25 *note*.
 - lands in ; 34, 49, 93.
 - Earl of (1667), petitions of ; 25, 58.
 - (1691) ; 166.
 - (1691), a hostage ; *ib.*
- Westpalstowne, co. Dublin, tithes of ; 96.
- Westrow, Norton, lands of ; 93.
- Wetton, William, soldier ; 27.
- Wexford ; 80, 154, 267, 268.
- burgess of ; 73.
- Wexford or Waysford :
 - co. ; 207, 299, 302, 314, 318.
 - ironworks in ; 65.
- Whaley, Henry ; 31, 502.
- Wharton, Sir Thomas, his company ; 78.
- Wheat, price of ; 478.
- Wheeler *alias* Moore, Elizabeth, petition of ; 89.
- White :
 - Bennet ; 29 *note*.
 - Henry ; 278.

White—*cont.*

- James; 271, 273, 276, 278, 342, 345, 373.
 John; 29 *note*.
 Joseph, trooper; 77.
 Luke; 278, 279.
 Nicholas; 265, 277.
 — of Wicklow; 41.
 Patrick; 278, 312.
 Pierce, 298, 308.
 Capt. Rowland; 177.
 Thomas; 272, 276–279.
 — lands of; 93.
 William; 323, 324.
 — of Wicklow; 41.
 Whitehand, Richard, petition of; 36.
 Whitney, Thomas, defendant; 78.
 Whittroe, Jonas; 80.
 Wice, Morishe; 304, 305.
 Wicklow; 16, 87.
 corporation of, petition of, &c.; 40–42, 49.
 castle, garrison in; 40, 41, 42.
 gaol; 101.
 garrison; 49.
 governor of; 57.
 county, assizes for; 43.
 Widdrington, Robert; 513.
 Wilde, Sir William, paper read by; 111.
 Wilkins, David; 221, 223.
 Wilkinson, John, trooper; 76.
 William the Conqueror; 218.
 William and Mary; 381, 510, 511, 512, 520.
 William III.; 381.
 his landing in Ireland; 130.
 state of his army; 130, 131.
 narrow escape of; 132.
 his proceedings after the battle of the Boyne; 137 *et seq.*
 at the siege of Limerick; 142.
 his return to England; 144.
 and the Irish Jacobites, arguments about; 175 *et seq.*
 his treatment of the Catholic forces in; 180.
 James II.'s feelings towards; 187.
 in Holland; 190.
 his proceedings after James II.'s death; *ib.*
 account of his death; 193.
 compared with James II.; 194 *et seq.*
 England's condition under; 196.
 Williams:
 Francis, trooper; 73.
 Rowland, petition of; 79.
 Thomas, petition of; 45.
 William, trooper; 100.
 Willoughby:
 Colonel; 77, 103.
 Anthony; 492.
 Francis; 485.
 Col. Francis; 53.
 — his company; 4.
 Sir Francis; 96.
 Wilson:
 Colonel, Irish battalion under; 180.
 Gabriel; 50.
 James; 508.

Wilson—*cont.*

- John, charge against; 49, 50.
 Lawrence; 433, 446, 447, 450, 451, 454.
 Sir Ralph, his company; 70.
 Sarah, petition of; 103.
 Thomas; 506, 513.
 Winchester, Marquis of; 511.
 (1691), his regiment; 146.
 Windesor, Sir William de; 265.
 Wines:
 retailing; 327.
 sale of; 292, 296.
 Wines, Tente, Bastard, &c.; 428.
 Winn, John; 501.
 Winton; 271.
 Winwood, secretary; 374.
 Wirtemberg, Duke of:
 (1689) Danes under; 127.
 in Ireland; 130, 146, 165.
 Wise:
 George; 275.
 Henry; 274.
 John; 274, 324.
 Fitz James, John; 276.
 Maurice; 273, 274.
 Nicholas; 276, 278, 325, 329.
 Thomas; 273–276.
 William; 273.
 Witherington, John, trooper; 102.
 Withernam; 259.
 Wockham, John; 94.
 Wodlock, Wodloke, Woodlock:
 Balthazar; 276.
 James; 270–277 *passim*.
 Jasper; 277.
 Wolsly, Brigadier, his victory at Cavan; 128, 129.
 Women (married), liable to be sued and arrested; 304.
 Woodcock, Amy, petition of; 99.
 Woodruffe, William, petition of; 64.
 Woogan, Nicholas, petition of; 38.
 Wool, Spanish; 290.
 Worcester:
 Bishop of; 208.
 Earl of, Henry; 498.
 Marquis of; 270, 355.
 Marquis of, Edward Sumersett; 498.
 Worship, freedom of; 344.
 Worshipp, Sir Thomas; 2.
 petition of; 42.
 Worsopp, Sir Thomas, certificate by; 91, 92.
 Wright, William; 77.
 Wybrants, Wybrant, Alderman Peter, of Dublin; 30.
 petition of; 68.
 Wycumbe, John de; 213.
 Wykingelow; 211.
 Wykinlo; 218.
 Wyse:
 Andrew; 278.
 George; 275.
 John; 274.
 Nicholas; 276, 277, 328.
 Robert; 278.
 See Wice and Wise.

Y.

Yarner, Abraham, report by ; 76.
Yeaden, Thomas ; 506, 508, 509, 513.
Yeomanstown ; 177.
Yong, John ; 360.
Yonge, Thomas ; 295, 330.
York prison, infection in ; 117.
York, Duke of, James ; 344, 363.
 and Col. Talbot ; 158, 159.
Youghal, Youghill ; 267, 309.

Young, Richard, petition of ; 78.
Youngehusband, George ; 502.
Young men, the, of Galway ; 444, 447,
 493, 494.

Z.

Zuniga, Baltazar de ; 347.
Zurlauben, regiment of ; 128.

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THE
MANUSCRIPTS
OF

THE MARQUIS OF ORMONDE, THE EARL OF FINGALL, THE
CORPORATIONS OF WATERFORD, GALWAY, &c.

Presented to both Houses of Parliament by Command of Her Majesty.



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